CONSIDERATION

ON

INDIA AFFAIRS;

PARTICULARLY RESPECTING THE

PRESENT STATE

OF

BENGAL

AND ITS

DEPENDENCIES.

WITH

A MAP OF THOSE COUNTRIES,
CHIEFLY FROM ACTUAL SURVEYS.

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PREFACE.

IT is time the attention of the legiſlature of this kingdom ſhould be awakened to the concerns of British ſubjects in the Eaſt Indies, which, notwithſtanding all that has been ſaid or written concerning India affairs, ſeem to have lain neglected, as if thoſe diſtant individuals were not members of the ſame body-politic, or did not deſerve the care of the mother-country, while this government as yet receives every advantage it chooſes from them as ſubjects.

All the inquiries which have hitherto been made, either by Government or the Eaſt India Proprietors, have ſtopped ſhort at ſome temporary expedient. No permanent ſyſtem has been yet adopted for the ſecurity of thoſe dominions; and the knowlege which the members of the legiſlature have had the opportunities of obtaining, upon thoſe inquiries, has been in general very inſufficient for forming a right judgment of the internal danger to which thoſe poſſeſſions are expoſed, or of the remedies neceſſary for removing the evils felt, or to prevent ſuch as may be dreaded; but if due care be not ſpeedily taken, the nation will not only be ſoon deprived of the reſources at preſent furniſhed, but the poſſeſſion of the very Aſiatic territories themſelves muſt be endangered.

Unequal as the writer deems himſelf to this taſk in other reſpects, yet as far as his own local experience could furniſh facts, or his induſtry materials which might contribute towards a right knowlege,

lege, he has been induced to undertake this inadequate performance, which he now lays with all deference and humility before the ineſtable tribunal of the public. The importance of the objects will plead his excuſe for the attempt; and if the facts herein related with all the ſimplicity of truth ſhould, before it be too late, awaken the attention of Government to theſe weighty concerns, or be happy inſtruments for relieving at preſent, or protecting in future one Britiſh ſubject in thoſe diſtant dominions from miſery and oppreſſion, the writer will think himſelf amply rewarded for his trouble.

In ſpeaking of Britiſh ſubjects, we would be underſtood to mean his Majeſty's newly-acquired Aſiatic ſubjects, as well as the Britiſh emigrants reſiding and eſtabliſhed in India. Whatever odium ſome among the latter may have incurred, they are not all *Nabôb-makers*; they are not all *revolutioniſts*. And notwithſtanding the prevailing notions of the eaſe with which immenſe fortunes are acquired in thoſe parts, from the examples that have been lately exhibited, there are at this time in Bengal many poor and induſtrious Britons deprived even of the means of getting an honeſt livelihood by their beſt endeavours, who are deſerving of a more maternal care from their native country.

Let not his Majeſty's ſubjects in Aſia ſay they have been ſold to the leaders and chiefs of an incorporated trading body of their own fellow-ſubjects, for the ſum of four hundred thouſand pounds ſterling *per annum!* Much more valuable and permanent advantages may be derived from thence with equity and eaſe, as well as with dignity to Government; while the proſperity of thoſe Aſiatic dominions might be ſecured in the happineſs of the inhabitants, and the commercial, and therefore only true intereſts of the miſinformed proprietors of Eaſt India ſtock be rendered proſperous and ſecure.

From a ſociety of mere traders, confined by charter to the employment of ſix ſhips and ſix pinnaces yearly, the Company are become ſovereigns of extenſive, rich and populous kingdoms, with a ſtanding army of above ſixty thouſand men at their command. In this new ſituation of the ſociety, ſo widely different from its

original

original inſtitution, that the commercial intereſts appear almoſt entirely miſunderſtood or neglected; and it may be ſafely ſaid, there is ſcarcely any public ſpirit apparent among their leaders, either in England or India. The loaves and fiſhes are the grand, almoſt the ſole object. The queſtions, How many *lacks* ſhall I put in my pocket? or, How many ſons, nephews, or dependents ſhall I provide for, at the expence of the miſerable inhabitants of the ſubjected dominions? are thoſe which of late have been the foremoſt to be propounded by the Chiefs of the Company on both ſides the ocean. Hence the dominions in Aſia, like the diſtant Roman provinces during the decline of that empire, have been abandoned, as lawful prey, to every ſpecies of peculators; inſomuch that many of the ſervants of the Company, after exhibiting ſuch ſcenes of barbarity as can ſcarcely be paralleled in the hiſtory of any country, have returned to England loaded with wealth; where, intrenching themſelves in borough or Eaſt-India-ſtock influence, they have ſet juſtice at defiance, either in the cauſe of their country or of oppreſſed innocence.

The affairs of the Eaſt India Company are therefore now become an object of the utmoſt importance to this nation, which it is to be feared may be involved in great difficulties whenever the Indian dominions are loſt; or, what is the ſame thing, whenever they are ſo impoveriſhed and ruined as to render the poſſeſſion of them unprofitable. BENGAL and the dominions dependent thereon are entirely commercial countries, which can only flouriſh while trade is proſperous, the principles of which are invariably the ſame in all climates. But when the affairs of Bengal and its dependencies get into a ruinous courſe, the affairs of the Company, which ſo greatly depend on thoſe provinces, muſt of neceſſity do the ſame. And nothing can be more certain than that thoſe countries will not proſper while the Company continue there the Merchant-ſovereign and the Sovereign-merchant, even were it poſſible, without altering their preſent conſtitution, to free their affairs from the numberleſs inconveniencies ariſing from the diſtance between the ſeat of government and the ſubjected provinces; the miſinformation or ig-

norance among Proprietors and Directors, the constantly fluctuating ſtate of parties, the conſequent abſurd and contradictory orders which are continually ſent out to India, and likewiſe from the want of due power in the Company for controlling their ſervants abroad: which power it is conceived can never be given to them, becauſe it would be erecting *imperium in imperio*.

Monopolies of all kinds are in their natures unavoidably pernicious; but an abſolute government of monopoliſts, ſuch as at preſent that of Bengal in fact is, muſt of all be the moſt dreadful.

The ſoil, revenues, juſtice and interior government of thoſe countries are entirely in the hands of the Engliſh Eaſt India Company. The prince, whom they call the GRAND MOGUL, being the mere inſtrument of their power, ſet up by them, and ſupported by a penſion for the ſerving of their own private purpoſes; the pretended NABÔBS of *Bengal and Bahár* being the actual ſtipendiary ſervants of the ſaid Company, and the DEWANNEE, under which title they pretend to hold thoſe territorial poſſeſſions, being a mere fiction, invented for the private purpoſes of the Company and their ſervants; and particularly intended, if poſſible, to ſcreen their ſeizing on the ſovereignty of the country, by impoſing on the Britiſh nation; though the diſguiſe was too flimſey to deceive either the inhabitants of Hindoſtân or other European nations who have ſettlements in thoſe countries.

There is in Bengal no freedom in trade, though by that alone it can be made flouriſhing and importantly beneficial to the Britiſh ſtate. All branches of the interior Indian commerce, are, without exception, entirely monopolies of the moſt cruel and ruinous natures; and ſo totally corrupted, from every ſpecies of abuſe, as to be in the laſt ſtages towards annihilation. Civil juſtice is eradicated, and millions are thereby left entirely at the mercy of a few men, who divide the ſpoils of the public among themſelves; while, under ſuch deſpotiſm, ſupported by military violence, the whole interior country, where neither the laws of England reach, or the laws or cuſtoms of thoſe countries are permitted to have their courſe, is no better than in a ſtate of nature. In this ſituation,

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while the poor induſtrious natives are oppreſſed beyond conception, population is decreaſing, the manufactories and revenues are decaying, and Bengal, which uſed not many years ago to ſend annually a tribute of ſeveral millions in hard ſpecie to Dehly, is now reduced to ſo extreme a want of circulation, that it is not improbable the Company (whoſe ſervants in Calcutta have already been neceſſitated, in one ſeaſon, to draw above a million ſterling on the Directors, for the exigencies of their trade and government) will ſoon be in want of ſpecie in Bengal to pay their troops, and in England ſeen pleading incapacity to pay the very annual four hundred thouſand pounds which is now received from them by government.

The natives of Bengal, whoſe miſeries have of late been greatly increaſed by a calamitous famine, have long looked up to heaven and to this nation for relief; which, if much longer with-held, while they bewail the inefficacy of a conſtitution ſo much boaſted of to them, they may be rendered deſperate in the purſuit of redreſs, and made to join hand and heart with the firſt power that happens to oppoſe the Engliſh in thoſe dominions. Let ſuch who place their ſecurity in the pretended degeneracy or effeminacy of the natives recollect, that they are thoſe very natives who fight our Indian battles; which they have ſometimes done without a ſingle muſket being fired by our European troops, to whom they have, on many occaſions, ſhewn themſelves no way inferior in perſonal courage. Perhaps it may appear to a conſiderate man, upon reflection, that it is only the exaggerated fame of what has paſt which preſerves the poſſeſſion of things at preſent, and that the power of the Engliſh in India may ceaſe to be formidable as ſoon as that power becomes well underſtood The ſame cauſes will ever produce like effects in all countries; the many muſt in time get the better of the few, by the ſame means whereby the few got the better of the many. Let thoſe who deſpiſe the Aſiatics farther reflect, that the moſt deſpicable reptiles will turn when trod upon; and that hiſtory abounds with inſtances of nations driven into madneſs by the cruelty of oppreſſion. It muſt certainly be beſt to avoid giving occaſion for ſuch extremities. Be it then the more

laudable object, as most worthy of this nation, to secure the hearts of the natives by establishing a due administration of justice, and by encouraging manufactories and a free trade in the inland parts of the subjected provinces, without which they can never prosper. Happily for the European invaders of India, there is such an equipoize between Mahomedans and Hindoos, as makes the government of the whole, by a few foreigners, more practicable in Bengal than it would be in any other part of the world; so that if Justice did but hold the scale, that superiority might perhaps be for ages maintained."

The revenues of the provinces of Bengal, Bahar and part of Orissa, which the Company collect, were in the year 1765 estimated to amount to upwards of three millions six hundred thousand pounds sterling per annum, and by proper management they might with ease have been improved by this time to six millions. Besides, there are immense commercial advantages which might be made of those territories by this kingdom; but at present, under the ridiculous plan of a double government, they are every way exhausted by plunder and oppression; and while this nation is gazing after the fruit, the Company and their substitutes are suffered to be rooting up the tree.

The different interests of the Company, as sovereigns of Bengal and at the same time as monopolizers of all the trade and commerce of those countries, operate in direct opposition, and are mutually destructive of each other; so that without a new system, the progress must be from bad to worse. The Company, if left to pursue its present system, will soon ruin itself; the possessions in Bengal will be beggared, and this kingdom deprived of the advantages of those possessions which might be the means of greatly relieving the circumstances of the nation, and of raising it to a state of prosperity and power almost beyond example.

An unlimited power can scarce exist without oppression; and governments, when at a great distance from the controlling power, are naturally subject to a corrupt administration of justice; where the oppressions of the governed will in general be ever found proportionate to the degree of power possessed by the Governors. Such

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is the nature of human frailty: and none have ever exhibited greater proofs of this frailty than ſome of our European Baſhaws in India. The meaſures neceſſary to be taken for the prevention of ſuch evils, and for eſtabliſhing the permanent proſperity of the ſubjected provinces, can never be expected from the Company; and particularly while it continues with a conſtitution ſo defective, and ſo inadequate to the preſent altered ſtate of its affairs.

It is the wiſdom and power of the Legiſlature alone that can prevent the total impoveriſhment or loſs of the Bengal provinces, either of which misfortunes might now prove fatal in its conſequences to this kingdom. This can only be effected by laws for ſecuring the impartial adminiſtration of juſtice *throughout* thoſe dominions; for preventing the commiſſion of thoſe oppreſſions and irregularities which have of late years prevailed, to the diſgrace of a Britiſh government; for more eaſily and effectually puniſhing *in India* the authors of ſuch enormities when committed, and for improving and rendering permanent thoſe reſources which the nation has a right to expect from the conquered countries. Such laws would equally tend to promote the laudable and deſirable object of regaining and ſecuring an intereſt in the hearts of the ſubjected natives, who wiſh only to receive their protection and happineſs from a Britiſh Sovereign: in which ſtate of things this nation might long poſſeſs the Bengal provinces, even againſt the combined efforts of Indian enemies and European rivals.

If objects like theſe ſhould not be thought unworthy of the ſerious attention of the Britiſh Government, then will the following ſheets, for the information they contain, however undeſerving in other reſpects, merit the peruſal of every member of the legiſlature. And it ſhould be hoped, that all pleas grounded on ſuch charters as are not wholly conſtitutional, will be treated with the contempt they deſerve, when ſet up as a defence for obſtructing the inquiries, or preventing the moſt effectual intervention of parliament, for ſecuring thoſe grand objects of true national policy, which by ſuch means can only be ſecured. And it ought equally to be hoped, that the wiſdom of parliament will eſtabliſh due ſecurity againſt any unconſtitutional influence of military power;

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becaufe it would, in its effects, prove equally ruinous to thofe countries, the Company and this kingdom, in the prefent fituation of Britifh affairs.

The Writer of thefe fheets, who was many years in the fervice of the Company in Bengal, and is an Alderman, or Judge of the Mayor's Court of Calcutta, agreeably to the charter, writes not with any view of advantage to himfelf. He has felt the iron rod of oppreffion from the Company and their fervants; in many inftances equally grievous with any that are herein laid before the public; but having appealed for juftice to the laws of this country, (though it muft be fome years before he can obtain it) he forbears at prefent to fay more of himfelf or his caufe than, that he was marked out for vengeance in Bengal, for his profeffional abilities, even fmall as they were, and his fuccefs in fuch mercantile undertakings as rather entitled him to the bleffings of the natives and the approbation of this country, as they were ufefully obftructive to mifchievous monopolifts, and of fervice to the Company, though offenfive to their principal fervants. During the whole period of his fervitude, he never had violated a law of this kingdom, or been guilty of any bad practice; but had always been faithful and zealous in the fervice of the Company, whofe Directors he defies to lay before their conftituents fo much as a fingle charge that can vindicate their proceedings againft him, or any accufation, grounded on truth or reafon, to convict him of a breach of duty in any moral capacity or connexion, or that will ftand the teft of candid fcrutiny by any one man of real honour and underftanding. Neverthelefs, by the oppreffions under which, fingle and unfupported, he has filently fuffered, he has actually loft fixty out of ninety thoufand pounds fterling of a fortune acquired by many years induftry in lawful and laudable commerce.

Thus much the Writer has prefumed he was in juftice authorized to fay of himfelf, in order to obviate calumny, which is often added to perfecution, for the fake of juftifying it. He is fenfible that this publication will even endanger his getting poffeffion of a great part of the remainder of his fcattered fortune: neverthelefs, moderate, and contented with what will remain to him,

him, let what may be the consequence, he has, at this critical juncture, preferred to every temporizing view, the discharge of his conscience, from a real and sincere regard to the welfare and rights of mankind in general, and to the interests of this kingdom in particular; for tho' he has not the honour of being a natural-born subject of Great Britain, yet being from his infancy bred in it, and having always lived among the natives of this happy country, he is in heart an Englishman, and wishes to be no other, so long as the oppressed can obtain, from English laws, justice adequate to their injuries.

Many gentlemen of the profession of *Nabób-making*, perhaps not a few who have in view the entering upon that profession, and even some Directors, who may be stiled *the makers of Nabób-makers*, who together may possess a powerful mass of wealth, will naturally be the underhand arraigners or opposers of what is advanced or recommended in the several parts of this work: but as facts are obstinate things, the Writer does not much apprehend they will venture openly to dispute the truth of such as he now offers to the consideration of the public. He has confined himself as much as possible to such public acts of Indian government as were necessary to be exhibited in proof of what he has in many places asserted, wherein it is not *men* but *measures*, when bad, that he wishes to expose, in order only for reformation; esteeming it his undoubted right, in common with all others, to scrutinize into the public transactions of all men in public stations, but particularly as they may appear calculated for the good or hurt of the society of which he is a member. The India Directors will scarce tax the Writer with ingratitude, after having treated him with the most extreme cruelty, or blame him for exposing their secrets, when national benefit is the object in view; but if they should deem him adverse to the Company's interest, which he really is not, as the press is the surest test of truth, it must be allowed, that he who refers the merits of his arguments and facts to that severest of trials, does not act like an ungenerous adversary.

After perusing the many extraordinary accounts contained in these sheets, the impartial reader will naturally wonder, how such things could so long be concealed from the public. The reason

of which however has been, that the persons capable of informing them have been interested in with-holding such information. Even the friends* in England of injured men abroad will not often venture to make their letters public, for fear of heaping heavier misfortunes on the oppressed, or those connected with them, who are in the power of the Company, or their substitutes in India; as the Court of Directors have always strictly prohibited†, to their dependents, the communication of any accounts of their affairs in India to private persons in England. Sometimes the injured who come home for redress, hold their tongues in order to make their terms with the Company and go out again to India in advantageous stations: and in short, among almost all the gentlemen who have once been in those countries, there is such a powerful string of connections, and such hopes or such fears prevail, either for themselves or their friends, as make the obtaining of authentic vouchers very difficult. If this had not been the case, we should have had it in our power to have laid before the public many documents of a more curious and interesting nature than even those we have produced, and which must now remain concealed, till time the discoverer of all truth gives us an opportunity for exhibiting them in another volume.

* A narrative of the murder of an English gentleman, by the servants of a Zemindár in the districts of Sutalury, eastward of Calcutta, which happened in December 1766, was with-held from the writer upon this very principle.

† In the 96th and 97th paragraphs of a letter from the Honourable Court of East India Directors to the President and Council at Bengal, dated the 19th February 1766, are the following words.

"We have frequently represented the bad tendency of sending to private persons accounts of our affairs in India, and forbade such practices, particularly in our letters to you under date of the 1st April 1760, par. 116; the 19th Feb. 1762, par. 57; and the 1st June 1764, par. 48. And as the like notices were communicated to our other Presidencies, no person can with propriety plead ignorance of them. In order entirely to put a stop to these prejudicial practices, we now confirm, in the strongest manner, the directions we have given in our before-mentioned letters; and we enjoin you, our President and Council, to take care that they are strictly carried into execution for the future; and you are to make these our orders as publicly known as possible, that no person, in whatever station he may be, can have it in his power to plead ignorance."— And the general instructions of the Directors to their said President and Council have of late years always been, that if any person or persons should be guilty of the smallest contravention of their orders, they were to have the *Company's protection withdrawn from them, and be sent prisoners to England.*

ADVER-

ADVERTISEMENT.

THE papers contained in the APPENDIX *are many of them copies of very imperfect translations of treaties, such as are in the possession of the East India Company, and being all the work of others, we are not answerable for their incorrectness. We have taken the liberty of altering the titles of some of those papers, and sometimes of correcting the spelling of proper names and other untranslated Asiatic words, for the writing of which in European characters there has been no settled mode of spelling, every one having written such words as they struck his own ear, or according to his own peculiar way of spelling; though it must be confessed the sounds of some Asiatic letters cannot be expressed by European characters. The want however of a competent knowledge in reading and writing the Indian languages has been the principal cause of this variety of spelling, and has often occasioned the using of wrong words: such as* Subâh, *which, although it means the district under a* Subâhdár, *is not unfrequently, though erroneously used for the latter word, even by East India Directors. In quoting authentic papers, or the writings of others; we have frequently been necessitated to retain the Asiatic words; and in writing them, in the body of this work, we have endeavoured to adhere to the orthography of the natives where it could be practised; excepting in words now commonly known among us, which would thereby be so disguised as to become unknown. For example, though we have thought proper to write* Jagueer *(a pension) instead of* Jaghire, Dehly *(the capital of Hindostân) instead of* Delly, *we have not ventured to write* Ahmedabâd *for* Amadavát, *the capital of Guzerát, or* Sipáhy *instead of* Seapoy *or* Sepoy, *the words by which the Black Infantry are now universally known. Another*

reason

reason has also obliged us to retain several of the Asiatic words, as used by others. There are many names, particularly of the offices of government, which cannot be translated into English without much circumlocution. To substitute that English word which appeared nearest to the Asiatic, would be conveying to the mind of the reader a very inadequate idea of the object. Such words, therefore, as occur in the text unexplained, the reader will be pleased to seek in the following Glossary, wherein we have given such explanations, according to the Bengal usage, as have been adopted by others, together with some that are new; and we have also accented the words, to direct the pronunciation.

Notwithstanding the utmost attention of the Writer in superintending the press, many errors have crept in, which he has not had in his power to correct. Some are taken notice of in the subjoined ERRATA, *and such others, not noticed, as will appear evidently to be errors of the press, he must leave to the correction of the indulgent reader, to whose candour he also submits the many errors in composition which may occur to him: the objects of the Writer having been only to convey to the reader a knowledge of facts in plain English, as a merchant, in the best manner the little leisure he is master of would enable him, and to get the work printed off as soon as possible; from supposing India affairs would, because needful, become the objects of national consideration.*

G L O S S A R Y

O F

H I N D O S T A N W O R D S,

A S U S E D I N

B E N G A L.

A

ANNA. The ſixteenth part of a *Rupee.*

Aumeen. An officer employed by the government to inſpect the ſtate of the revenues of any diſtrict; a ſupervisor. Alſo ſometimes an arbitrator, or umpire.

Aúmil. } An officer inferior to, or under the *Aumeen,* employed on the ſame buſineſs
Aumildár. } of the revenues.

Aurúng. A manufacturing town, or village.

B

Banyán. See chapter IX. page 83.

Bátta. The extraordinary allowance paid the military when on field-duty. Alſo the agio, allowance, or rate of exchange between rupees of different ſpecies.

Bazár. A market place.—A daily market.

Beetle-leaf. The aromatic leaf of a ſhrub growing like a vine, which is always chewed, together with the nut called beetle-nut. It is called *Paān* by the natives.

Beetle-nut. A nut produced by a very tall, ſlender, and upright tree: which, with other ingredients, is conſtantly chewed by all ranks of people, from the king to the beggar; inſomuch that it is eſteemed a neceſſary of life. It is called *Soopáry* by the natives.

Bégum. A princeſs. Any great man's wife. Some have erroneouſly tranſlated it, queen; whereas the king's lady is called *Mileekah.*

Bercundāz A foot-ſoldier, armed with a matchlock.

Búckſhy. Pay-maſter of the troops. Alſo pay-maſter, in general, for all diſburſements of government.

Buckſerree. A foot-ſoldier, armed with ſword and target, or a ſpear; generally employed as a guard in conducting treaſure or goods.

Bunder. A ſea-port.—Alſo ſometimes uſed for a cuſtom-houſe.

Buxbundar. The office of cuſtoms at Hoogly.

C.

Callary. Properly *Khallary.*—A salt-work: commonly called salt-pans.
Canongô. The officer appointed by the sovereign as register of a province.
Chókey. A watch-house.—Also a place appointed for the receipt of customs, or duties.
Chokeydár. A watchman.—Also the officer of a *Chókey.*
Chout. A fourth part. Commonly used for the tribute of the fourth part of the revenues which the Marahtahs claim from many governments in India. Also the duty collected upon judicial decisions in the cutcherry-courts of Hindostân.
Choutarry. A Bengal corruption of *Chout.*
Chówdry. A chief of land-holders, or farmers. Properly he is above the *Zemindár* in rank: but according to present usage in Bengal, he is deemed the next in rank to the *Zemindár.*
Chowdráwy. Properly *Chowdráyet.* The jurisdiction of a *Chówdry.*
Chubdár. A staff-bearer. A necessary attendant in the train of a great man, who proclaims the approach of visitors, &c. He generally carries a large silver staff of about five feet long in his hands: and among the Nabôbs he proclaims their praises aloud as he runs before their palanqueens.
Chcúklah. An assemblage of the smaller divisions of a province, generally the jurisdiction of a *Fowzdár.*
Chunám. Lime made of shells, or stones. Such as the natives eat with their beetle, is made of the former.
Cooley. A porter, or labourer of any kind.
Cowry. A small shell, which passes for money, of which, from 4000 to 4800, go to a rupee. The cheapness of provisions in Bengal makes it convenient to have so very low a medium for dealings among the poor.
Crore of Rupees. One hundred lacks.
Croory. Properly *Karooree.* An officer who collects the revenues under a lord-lieutenant of a province; for which he makes himself responsible, in consideration of a commission of 2 or 3 *per cent.*
Cussore. The allowance, or agio upon the exchange of rupees, in contradistinction to *Batta. Batta* is properly the sum deducted, and *Cussore* the sum added.
Cutchérry. A court of justice. Also an office into which the rents are delivered; or for the transaction of any other public business.
Cutwâl. An officer who in all cities has the care of punishing thieves; those who drink or sell intoxicating liquors and keep disorderly houses; and who takes cognizance of such other matters as are not of consequence enough to be brought before the *Fowzdár.*

D

Dádney. The money paid in advance to a merchant, or manufacturer, on a contract for goods.
Dallâl. A broker.
Daróga. An overseer.
Dawk. Postmen stationed at stages, of about 10 miles distance from one another, for the conveying of letters.
Dufter Khána. An office for keeping the government-accounts. In common usage, any office or counting-house.
Durbár. The court of a Mogul, Nabôb, or any great man. Sometimes it means the palace, and sometimes the levee only.
Dustóre. A customary allowance. In Bengal generally understood to be that which the Banyán receives on all sales and purchases.

Dustuck. A passport, permit, or order. In the English Company's affairs it generally means the permit under their broad seal, which exempts goods from the payment of duties.

E

Enām. A gift from a superior to an inferior.

Etmaúm. A division of a province under the superintendency of an *Etmaumdár.*

Etmaumdár. A land-holder, or superintendant of the revenues of a small division of a province, called *Etmáum.*

F

Firmaún. A grant, order, decree, or command of the emperor. In Bengal, it is commonly used for the patent of the Emperor Furrukhseer, granting to the English a liberty of trading duty-free.

Fowzdár. An officer in all great cities, who has charge of the police, and takes cognizance of all criminal matters. Sometimes it is one who receives the rents from the Zemindárs, and accounts with the government for them. The district of lands under his jurisdiction, or superintendency in such case, is called a *Chúcklah.*

G

Ghāt. An entrance into a country over mountains, or through any difficult passage.—Also a landing place on a river side,—particularly where duties are collected.

Ghātbarry. A tax upon boats, collected at the *Ghāts* or *Chókeys.*

Gólah. A warehouse, of which the walls are generally raised of mud and thatched, for keeping grain, salt, &c.

Gomástah. An agent. In Bengal it is generally understood to be those who are sent, on monthly wages, into the country to purchase goods.

Gunge. A granary, or market for grain.

Guzerbaún. An officer who collects duties on the high roads and at the ferries.

H

Hackeree. A species of cart, drawn by oxen.

Hagee. One who has performed the pilgrimage to Mecca, which every true Mahomedan thinks himself bound to do once in his life.

Haut. A market kept on stated days.

Havaldár. A subaltern officer of seapoys, of the rank of a serjeant.

Higera. The flight of Mahomed from Mecca, from which the Mahomedan Æra commences. It begins the 16th July, A. D. 622.

Husbulhookum. An official confirmation, under the seal of the vizier, enforcing obedience to the Emperor's *Firmaun.*

Huzzoor. The presence.—Applied, by way of eminence, to the Mogul's court. According to polite usage it is now applied to the presence of every Nabôb, or great man.

Huzzoor Nevees. The secretary who resides at court, and keeps copies of all *Firmauns,* records, or letters.

I

Imaúm. An ordinary priest.

Islām. The true faith, according to Mahomedans.

Jagueer. Any pension from the Grand Mogul, or King of Dehly; generally such as are assigned for military services.

Jagueerdár. The holder, or possessor of a Jagueer. It comes from three Persian words *Ja*, a place; *gueristun*, to take; and *dashtun*, to hold: *quasi* a placeholder, or pensioner. In the times of the Mogul empire, all the great officers of the court, called *Omrahs*, were allowed *Jagueers*, either in lands of which they collected the revenues, or assignments upon the revenues for specified sums, payable by the lord lieutenant of a province: which sums were for their maintenance, and the support of such troops as they were necessitated to bring into the field when demanded by the Emperor, as the condition of their Jagueers, which were always revokable at pleasure.

Jamadár. An officer of horse, or foot.—Also the head, or superintendant of the *Peons* in the *Sewáury*, or train of any great man.

K

Kâzy. A Mahomedan judge, or magistrate; appointed to administer justice according to their written law; but particularly in matters relative to marriages, the sales of houses, and transgressions of the Korān.—He attests or authenticates writings, which under his seal are admitted as the originals, in proof.

Kistbundee. An account agreed to of payments to be made at stated times, in discharge of a specified sum.

Khálsah. Belonging to the king.

Khálsah-Lands. Crown lands.

Khúlsah Shereef. The office in which the king's accounts were passed.

L

Lack of Rupees. One hundred thousand rupees; which supposing them standard, or *siccas*, at two shillings and sixpence, amounts to 12,500 l. sterling.

M

Mahūl. A name given to every fund producing any particular revenue, or duty; as the salt or *nimuck-mahūl* is that on which arise the duties on salt.

Múngon. An imposition collected by the officers of the *Chokeys* and *Ghāts*, as a perquisite for themselves, or the *Zemindárs.*

Maund. A variable weight. In Bengal from 72 to 80 lb.

Móhūr. A seal.—Also a gold rupee.

Móhūree. Any writer, or under clerk among the natives in Bengal.

Molúnguee. A worker of salt, a salt-maker.

Mootecóphil. An officer who examines accounts, and puts his seal on them, when passed in the subordinate cutcherries, before they are sent to court.

Mouza. A parish.—Sometimes a hamlet only.

Muckaudum. A superior officer of the revenues in a village; the same as *Chówdry.*

Mufty. A high priest. It signifies properly, interpreter of the law.—He is under the *Kâzy.*

Mullah. A Mahomedan judge.—An interpreter of the Korān. Likewise a schoolmaster.

Múnshy. A secretary for the Persian language.

Munsub. A title, or dignity; post, or office.

Músnud. An elevated place of distinction in the *Durbár* for the prince to sit on. A throne.

Mutchúlcah. An obligatory, or penalty-bond, generally taken from inferiors by an act of compulsion.

Mutseddee. A general name for all officers employed in taking the accounts of the *Sûbah*, or government; it is also used for the clerks of any great man.

N

Nabôb. Properly *Navâb* the plural of *Naib.* As used in Bengal, it is the same as Názim. It is a title also given to the wives and daughters of princes, as well as to the princes themselves.

Naib. A deputy.

Nancár. An allowance in an assignment upon the revenues, or the lands themselves, originally given as charity for the relief of the poor; but generally taken by the rich.

Názim. The lord lieutenant, vice-roy, or governor of a province: the same as *Subahdár*, or *Nabôb.*

Neábut. The post, office, or jurisdiction of a *Naib*, or deputy.

Nizâmut. The post, office, or jurisdiction of a *Názim*, or vice roy of a province.

Núzzer. } *Nuzzerânah.* } A present, or offering from an inferior to a superior. In Hindostân no man ever approaches his superior for the first time on business, without an offering, of at least a gold or silver rupee in his right hand; which if not taken, it is esteemed a mark of disfavour. *Nuzzerânah* is also used for the sum paid to the government, as an acknowledgment for a grant of lands, or any public office.

O

Obdabdár. An officer of the revenues, the same as *Croory.*

Omrah. A man of the first rank in the Mogul empire. A nobleman. It is the plural of of the Arabic *Ameer.*

P

Padshah. Emperor. King.

Palanqueen. A vehicle carried on men's shoulders, commonly used for riding in. They are of two sorts, one for sitting in like a sedan, and the other containing a bed, on which the person extends himself at full length.

Peon. A foot-soldier, armed with sword and target. In common use it is a footman so armed, employed to run before a Palanqueen.—*Piadah* is the proper word, from which Peon is a corruption.

Pergúnnah. The largest subdivision of a province, whereof the revenues are brought to one particular *Head-Cutcherry*, from whence the accounts and cash are transmitted to the general *Cutcherry* of the province.

Perwânah. An order, warrant, grant, or even a letter from a superior to a dependent.

Peshcúsh. A fine, tribute, or quit-rent paid to government, as an acknowledgment for any tenure.

Podár. A money-changer, or teller, under a *Shroff.*

Pykár. A broker, inferior to those called *Dallâls*, who transacts the business at first hand with the manufacturer, and sometimes carries goods about for sale.

Pyke. A watchman employed as a guard at night. Likewise a footman, or runner, on business of the lands. They are generally armed with a spear.

R

Rahadár. An officer who has charge of the highways, the examination of passengers, and the collection of customs where any are there collected.

Recáyah. It is so written in the Company's Treaties, but it should be *Reáyah*, which is the plural of the Arabic *Ryot.*

Resaula. A command. A regiment.

Rowâna. A certificate from the collector of the customs.

Rupee.

Rupee. A silver coin worth about two shillings and sixpence.

Ryot. A tenant, who is generally both a husbandman and manufacturer.

S.

Seapoy. A soldier. This word is generally used for the Indian infantry disciplined after the European manner.

Seer. The fortieth part of a *Maund.*

Serai. A building on the high road, or in large cities, erected for the accommodation of travellers.

Sewáury. The train of attendants who accompany a Nabôb, or other great man on the road.

Sezâwul. An officer employed at a monthly salary to collect the revenues.

Shah. The king.

Shah Allum. The king of the world.—The title given to the India Company's Grand Mogul, the Prince Ally Gohár.

Sháſtrŏ. The religious books, or *Scriptures* of the *Brahmins.* It is also used in common for any book of science.

Shereef. Noble, or magnificent.

Shroff. A banker, or money-changer: properly *Serăf.*

Sicca. Any new coin. It means *stampt,* or *sealed;* but is particularly used for the standard silver-rupee.

Siddee. An Arabic title, by which the Abisinians, or *Habashys* are always distinguished in the courts of Hindostân; where being in great repute for firmness and fidelity, they are generally employed as commanders of forts, or in posts of great trust.

Sircár. Any office under the government. It is sometimes used for the state, or government itself. Likewise a province, or any number of *Pergúnnahs* placed under one head in the government-books, for conveniency in keeping accounts. In common usage in Bengal, the *Under-Banyáns* of European gentlemen are called *Sircárs.*

Sirdár, or *Surdár.* A chief, leader, or commander.

Soontaburdár. An attendant, who carries a silver bludgeon in his hand, of about two or three feet long, and runs before the *Palanqueen.* He is inferior to the *Chubdár;* the propriety of an Indian *Sewaúry* requiring two *Soontaburdárs* for every *Chubdár* in the train.

Sûbah. The general name of the vice-royships, or greater governments, into which the Mogul empire was divided, consisting of several provinces. The jurisdiction of a *Subahdár:* the same as *Sûbaship, Subahdáree* or *Nizâmut.*

Subahdár. The vice-roy, lord lieutenant, or governor, holding a *Súbah;* the same as *Nabôb,* or *Názim.* Also the black commander of a company of Seapoys.

Subahdáree.
Subahdáry. } See *Sûbah.*
Sûbahship.

Sultânut. The crown,; throne; empire, or government.

SUN. The year: thus *Siccas* of the 1st, 2d, or 3d *Sun,* are the standard silver rupees of the 1st, 2d, or 3d year of a prince's reign; which is marked on the coin.

Súnnud. A grant, charter, or patent from any great man in authority.

Sunott. Rupees of old dates, on which a discount is allowed, are so called; properly it should be *Sunwât.*

T

Tagábey. Money lent to a husbandman at interest, to enable him to cultivate his land; for payment of which the ensuing crop is bound.

Talook. }
Talookdáry. } A subdivision of the lands of a *Zemindáry*, held by a *Talookdár*.
Talookdár. A renter under a *Zemindár*, of the subdivision called *Talook*.
Tankfáll. A mint.
Tánna. A small fort.
Teep. A note of hand. In Bengal particularly used for those notes given before-hand for money to be paid for services to be performed.
Tunkbaw. An assignment of lands, or the revenues of them, for any particular disbursements, or purpose of government.

U

Ultumgau. An allowance paid from the revenues, as a largess, to religious men, doctors, or professors of science. It should be written *Altumghau.*

V

Vakeel. An agent, or *chargé des affaires.*
Vizârut. The post, or office of a vizier.

Y

Yesâwul. A state-messenger.

Z

Zemindár. Literally a land-holder, who is accountable to government for the revenues.
Zemindâry. The jurisdiction of a Zemindár: *the lands held by him.*
Zenana. Belonging to women.—The women's apartments. The Seraglio.

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ERRATA.

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46, 19, *after* Meer Jaffier, *inſert* a comma.
64, In the title of the VIII. chapter, *for* in India, *read* in and to India.
84, at the bottom, *for* Chaubdárs, *read* Chubdárs.
99, 4, *for* nor, *read* not.
104, in the laſt note, *for* affairsa, *read* affaires.
105, 7, take the † *from* ſlave and place it *over* your.
112, 22, *for* candidates, *read* candidate.
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CONSIDERATIONS ON INDIA AFFAIRS.

CHAP. I.

INTRODUCTION.

IN the degrees there are ſcope and encouragement given to induſtry, a country will naturally grow populous and wealthy: but though the great objects of nations, as of individuals, are proſperity and power, the means either of acquiring or preſerving them are not unfrequently miſtaken.

Induſtry will be beſt applied to agriculture, manufacturing and commerce. Of theſe, the two former are mutual ſupports of each other; and when made to co-operate with commerce and navigation, they, all together, will lay the moſt laſting foundations of opulence and might.

Theſe arts, with efficient laws for individual protection and due puniſhment, and an able and upright adminiſtration of juſtice, if made all fully to operate under a wiſe, moderate, and beneficent government, will conſtitute what may be called the perfection of human policy; and prove equally the ſource of abundant wealth, power, and felicity.

Agriculture, ſingly, perhaps never did materially enrich or ſtrengthen any country; as, in ſuch caſe, even the commerce and navigation ariſing from it will be carried on by other nations *. Manufactories, beyond all other means, ſerve to populate and enrich a country: but

* See CONSIDERATIONS on the POLICY, COMMERCE, and CIRCUMSTANCES of the KINGDOM, pages 92 to 94. Printed for *Almon* in 1771.

those

those only which are most laborious *, add greatly to its strength. Navigation, on the other hand, strengthens more than it enriches: and commerce introduces not only abundant wealth, but likewise much useful knowledge.

Hindostân, from time immemorial, practised agriculture and manufacturing in an extraordinary degree; and they served to make her populous and wealthy almost beyond example. But by neglecting foreign commerce she has continued deficient in various kinds of useful knowledge; and from her want of many laborious arts, and not practising navigation in any considerable degree, she never grew sufficiently powerful to be secure of her own defence.

The extraordinary religious superstitions of the Hindoos, or Gentoos †, and the very unsociable manners that naturally were consequent thereof, proved insuperable bars to their visiting foreign countries. They therefore principally confined themselves to agriculture and manufacturing, leaving remote commerce and navigation to those who would go and deal with them in their own country: so that, as hath already been observed, the industry which so abundantly augmented their wealth, did not serve to increase, in any proportional degree, either their general knowledge or national power.

From very ancient times, we hear much of far-distant nations going to trade with the Indians, but nothing of the people of India ever going to trade with them. In like manner, the writers in remote times make frequent mention of the great wealth of the Indians, but say little of their power: nor indeed could the latter have ever been very considerable, because we know they were easily subdued at different periods of time.

Perhaps the principal provinces of Hindostân, while they continued unconquered by any foreign power, were never much farther united than by religion and manners. Their original population, which must have been extremely ancient, was manifestly of the primitive or patriarchal kind. Communities grew out of families, which continually were branching off; and with but little variation from each other, they

* All sitting employments are apt to debilitate the human frame, and those which are excessively toilsome, too fast exhaust its strength; but such as are moderately laborious serve greatly to invigorate both the body and mind, as is apparent from the practice of husbandry, navigation, and most of the handicraft-arts; for they generally make men animated, vigorous and robust.

† *Gentio* is a Portugueze word, meaning *Gentiles*, in the Scriptural phrase; by which general appellation, they at first called all the natives of India, whether Mahomedans or Hindoos. From them the English have adopted the term *Gentoo*; by which, according to the present usage, they distinguish the Hindoos, or followers of Brimha, from the Mahomedans, or Mussulmen, whom they commonly, though improperly, call Moors, or Moormen.

lived

lived, by such rules as were prescribed by an original Lawgiver, Chief, or Râjah, by whose name each respective country was originally known. One cast, or tribe, were appointed to instruct, another to protect and rule, and the rest to such professions and occupations as were useful and necessary; in which modes of prescribed practice, as far as they were able, they have since continued to live.

The Hindoos, like the Chinese, pretend to the honour of existence, as a nation, for a great abundance of ages before the Christian calculation of the commencement of time, or creation of the world. But as every thing which they say of such supposed times is considered as fabulous, the writers who most favour their pretensions to antiquity, are not inclined to believe they can have any historical accounts of their country, to be relied on, so far backward as five thousand years.

The Samscrit, or Shanscrit *, a most noble and ancient, though now a dead language, understood only by the Brahmins, has been hitherto the impenetrable repository of the literary treasures of that order of men. They are known to have many books that treat of religion and philosophy, and it is said likewise of history. Their four books of Divine Laws and Instructions, called Bhades, are written in poetic stanzas; and they are held so sacred, that no other order of their own people are permitted to read them, should they be able so to do. And such

* The curious reader will excuse the following extracts relative to this language from parts of a letter of the father Pons, a French missionary, written from India in the year 1740, as contained in Lettres Edifiantes. Paris edition, 1743, Vol. 26, pages 221 to 232.

" Les sciences & les beaux arts, qui ont été cultivés avec autant de gloire & de succès par les Grecs & les Romains, ont fleuri pareillement dans l'Inde; & toute l'antiquité rend témoinage au mérite des Gymnosophistes, qui sont évidemment les Brahmanes, et sur-tout ceux qui parmi eux renoncent au monde, & se font *Saniassi*.

La Grammaire des Brahmanes peut être mise au rang des plus belles sciences; jamais l'analyse & la Synthése ne furent plus heureusement employées, que dans leurs ouvrages grammaticaux de la langue *Samskret* ou *Samskroutan*. Il me paroît que cette langue si admirable par son harmonie, son abondance, & son energie, étoit autrefois la langue vivante dans les Pays habités par les premiers Brahmanes.

Il est étonnant que l'esprit humain ait pû atteindre à la perfection de l'art, qui éclatte dans ces grammaires: les auteurs y ont réduit par l'analyse la plus riche langue du monde, à un petit nombre d'elémens primitifs, qu'on peut regarder comme le *Caput mortuum* de la langue. Ces élémens ne font par eux-mêmes d' aucun usage, ils ne signifient proprement rien, ils ont seulement rapport a une idee; par exemple, *Kru* à l'idée d'action. Les élémens secondaires qui affectent le primitif, sont, les terminaisons qui le fixent à être nom ou verbe; celles selon lesquelles il doit se decliner, ou conjuguer; un certain nombre de syllabes à placer entre l'élément primitif & les terminaisons, quelques propositions, &c.——A l' approche des élemens secondaires le primitif change souvent de figure; *Kru*, par example, devient, selon ce qui lui est ajoûté, Kar, Kār, Kri, Kir, Kēr, &c. La synthese réunit & combine tous ces élémens & en forme une variété infinie de termes d'usage.

Ce sont les régles de cette union & de cette combinaison des élémens, que la grammaire enseigne, desorte qu'un simple ecolier, qui ne sçauroit rien que la grammaire, peut en operant selon les régles, sur une racine ou elément primitif, en tirer plusieurs milliers de mots vraiment *Samskrets*; c'est cet art qui a donné le nom à la langue, car *Samskret* signifie synthétique ou composé.

Peut-

Such is the influence of prieſtcraft and ſuperſtition over their minds, that they have been made to believe any endeavour at the acquiſition of ſuch knowledge would be an unpardonable ſin: they thereſore never ſeek to obtain it. And ſhould a Brahmin be known to communicate any part of thoſe books to men of other tribes, his puniſhment would be immediate excommunication, or expulſion from his own, which would be everlaſting degradation and infamy; puniſhments that they conſider to be far worſe than death.

No ſtronger proof can be furniſhed of the inſuperable difficulties to be encountered in ſuch an undertaking, than the fact, well known in India, of an Emperor of Hindoſtân, the great Akbur, miſcarrying in an artful endeavour for that purpoſe *. He impoſed a well-inſtructed youth on the Brahmins, as an orphan of their tribe, to be educated by them, in order to acquire a knowledge of their ſecrets, language, and learning; but his deſigns were all fruſtrated.

Great difficulties muſt occur in all attempts to acquire the Samſcrit language, as well from the great reſerve of the Brahmins, as from the total want of ſuch books as muſt be neceſſary for that purpoſe; the utmoſt of what has been publiſhed in Europe thereon, extending no farther than to the letters of its alphabet †, and their combinations. It has however often been undertaken by ſeveral Engliſh gentlemen, though hitherto without ſucceſs, from the want of ſufficient helps. During two years reſidence at Banâras, the writer could find no books in any other language that would ſerve in any degree as a medium for acquiring it, though there are, in it, very good ones for that purpoſe: ſo that whoever undertakes to learn this language muſt frame his own

Peut-être que depuis le vénérable Pere de Nobilibus, il n'y a eu perſonne aſſez habile dans le *Samſkret*, pour examiner les choſes par ſoi-même. J'ai vû dans un manuſcrit du Pere de Bourzes, que dans certain Pays de la Côte de Malabar, les Gentiles celébroient la délivrance des Juifs ſous Eſther, & qu'ils donnoient à cette Fête le nom de *Yuda Tirounal*, Fête de Juda.

Le ſeul moyen de pénétrer dans l'antiquité Indienne, ſurtout en ce qui concerne l'hiſtoire, c'eſt d'avoir un grand goût pour cette ſcience, d'acquérir une connoiſſance parfaite du *Samſkret*, & de faire des dépenſes auſquelles il n'y a qu'un grand Prince qui puiſſe fournir: juſqu'à ce que ces trois choſes ſe trouvent reunies dans un même ſujet, avec la ſanté néceſſaire pour ſoutenir l'étude dans l'Inde, on ne ſcaurá rien, où preſque rien de l'hiſtoire ancienne de ce vaſte Royaume."

It is our misfortune that we have no European whatever who hath acquired a knowledge of this primitive, noble, and perhaps antediluvian language, ſufficient to read and tranſlate (without being expoſed to the impoſitions and ignorance of the modern Brahmins) thoſe ancient works, which, however blended with fable and ſuperſtition, might ſerve to throw new and important lights upon ancient hiſtory and ſcience, and alſo furniſh us with what is much wanted, a true and genuine account of the ancient Hindoos; ſome of whoſe principles and doctrines of religion, morality, and ſcience, ſeem in the remoteſt antiquity to have been eagerly adopted by far diſtant nations, even from Japan and China to Egypt and Greece.

* Dow's HISTORY of HINDOSTAN. Vol. I. page 25 of the Diſſertation, firſt edition.

† See KIRCHER's CHINA ILLUSTRATA. Printed in Amſterdam, 1667. Pages 162, &c.

grammar

grammar and dictionary: in order to effect which, he will be necessitated first to learn, as a medium, either the Persian, or one of the many dialects now used in the different parts of Hindostân, of which that of Bengal, of all the southern provinces of India, is nearest to the Samscrit; one fourth part of its words, the forms of several of its letters, and the names and order of the whole alphabet, agreeing exactly therewith. As so much time then must be spent in the attainment of a language not requisite for business, there can be little reason for expecting it will ever effectually be accomplished by any one whose great object, from going to India, is the acquisition of wealth. It is therefore an undertaking that probably never will be properly engaged in, unless by the encouragement of some government, or great seminary of learning: and as it might prove the means of making many discoveries that at least would be curious, it should be thought deserving of the patronage of the favourers of science.

The most ancient historical account we have of the Hindoos is from the translation of a poem from the Samscrit into the Persian language: and perhaps they have few other kinds of very ancient records of their country, than versifications of old but very current traditions of transactions, by men like the ancient Welch, Irish, Highland, or English bards, who have generally every where been the historiographers of rude ages; for even Homer was no more. Farther literary treasures, therefore, of very ancient times of this at least, or perhaps any other kind, may not be in the possession of the Brahmins: and indeed were there others, they might be matters more of curiosity than utility. But there may be some of later times greatly more important, as that tribe of Indians, if not generally learned, have at least been always studious.

The English nation know little more of their ancestors in the times of the Druids than what has been learned from such other nations as happened then to be more enlightened. Yet the Druids, like the ancient Brahmins, were priests and philosophers; between whom there was a similarity in manners and practice, both orders being secret, mysterious, and reserved, how widely soever they might differ in their principles of religion. The Brahmins however assert, and with some appearance of reason, that the lawgivers of other nations have borrowed from the institutes of Brimha, as they judge from what they have seen of the Mahomedans and Jews, and probably from what they may have heard of the Heathens * and Roman Catholics.

* The Hindoos pay a kind of divine honours to such persons as were distinguished by extraordinary merits: which were really the Heathen motives for many deifications, and are pretended so to be for most Popish canonizations.

CONSIDERATIONS

Concerning the hiſtories which we have hitherto been furniſhed with of Hindoſtân, it may with truth be ſaid, that they have not been properly of the Hindoo nations or people, but of ſuch foreign invaders as ſucceſſively ſubdued and ruled over them. The ancient Râjahs were probably Sovereigns of the ſeveral provinces, or diſtricts of India, being lords of the ſoil, warriours by profeſſion, and of courſe protectors from intereſt; and their government being on the arbitrary principles of parental deſpotiſm, they were never oppoſed, but from the irreſiſtible impulſe of nature to withſtand intollerable oppreſſion; beyond which the people of India do not appear, from their practice, to have ever had any idea of public right or liberty.

It is natural to ſuppoſe, in the progreſs of ages, that Râjahs, like all other Sovereigns, became infected with ambition, when diſputes led to conqueſts, by which ſway grew extended: ſo that there might have been temporary power acquired that was even enormous. But probably there never was a native government of all Hindoſtân: nor indeed has there ſince been entirely ſuch of any race of invaders who eſtabliſhed themſelves at *Dehly*.

Some of the provinces of India were long tributary to the Perſians; as they afterwards were to the Afgān, or Patân Tartars, whoſe ſeat of government was Ghiſni, in the mountainous country between Perſia and Hindoſtân; from whence they made frequent inroads into the neareſt Indian provinces, to plunder and impoſe tributes, till the beginning of the fourteenth century, when they eſtabliſhed themſelves at Dehly. Of this Tartar government it may be ſaid, as of the race of Tamerlane which ſucceeded it in Hindoſtân, that it never was complete over the whole country; was frequently reſiſted even by tributary Râjahs, and ſometimes diſmembered of its principal provinces.

We ſhall enlarge no farther here on the ancient ſtate of Hindoſtân, than juſt to obſerve, that among the deſcendants of Shem, named in the tenth chapter of Geneſis, there is mention made of an Ophir in the fourth generation; who probably gave his name to the place from whence Solomon afterwards obtained his large returns of gold*. All thoſe generations from Shem, mentioned by Moſes, are ſaid by him to

* Some learned writers have conjectured the ancient Ophir to have been the port which in later ages has been called Soſala, ſituated on the continent of Africa, oppoſite to Madagaſcar; but that port is not eaſtward of the country which was firſt peopled after the flood. It may not then be thought preſumptuous to hazard ſo contrary an opinion, as to ſuppoſe the iſland of Sumatra was the place to which Solomon's fleet ſailed; as there is a mountain on the north end of it which is to this day called Ophir, where much gold ever has been and is yet found; the diſtance of which likewiſe better agrees with the time Solomon's fleets took to perform thoſe voyages in, than by ſuppoſing them to have gone up farther than to Soſala.

 have

have been peoplers of countries in the eastern parts of the world; which, even according to the Jewish and Christian systems, makes the population of those regions extremely ancient, though infinitely short of the fabulous ages supposed by the Hindoos.

In our next chapter, by the help of better lights, we shall treat with more certainty of the affairs of Hindostân, while under the dominion of the Moguls; and then proceed in our considerations to the present state of the Bengal provinces, which have for some time been a part of the British territories.

But many having of late persuaded the public to believe, that we may securely rely on the passive and resigned disposition of the natives of the acquired countries, and the timid disposition of Indians in general for our secure possession of those provinces, it may be necessary in this place to shew such opinions to be erroneous; and that the preservation of them must depend more on our wisdom and justice than on our military and maritime power.

There can be no just grounds for our supposing there have not at all times been people of valour in India. It is at this time well known, that many of the Indian powers have large and well-disciplined native armies of both horse and foot. So likewise the seapoys in the service of the English East India Company are brave, well-trained, and able-bodied men. Perhaps no people have more distinguished themselves by fortitude and resolution, in a variety of sufferings, than the East Indians. The severities of their voluntary religious penances are almost incredible. They have frequently submitted to be maimed, nay would often die under torture, rather than discover concealed wealth, to the ruin of their families. Even their very women, who live sequestered from the world, and of course are unexperienced in such difficulties and misfortunes as serve to fortify the mind and heart, or such distresses as will render life irksome, or impel to desperation, often manifest such fortitude as amazes Europeans but to hear of, in the horrid deaths which they voluntarily brave, of burning alive with the dead bodies of their husbands in funeral fires.

There are several nations in India, now living under distinct governments of their own, who never were subdued by the Moguls, though indeed most of them at times have been their tributaries. They, however, were never able to make the Marahtahs either their subjects or tributaries.

These people are governed by an aristocracy of Râjahs of the Hindoo religion, who for many ages have done more than defend themselves, for they have imposed tributes on most of their neighbours; and

at

[illegible] they even obliged the famous Mogul Aurengzebe to submit to the mortifying and dishonourable terms of paying them a *Chout* *, or annual tribute of the fourth part of the revenues of the Déckhan: so that it might be said, the emperor thereby not only acknowledged their independency of himself, but likewise their joint right of sovereignty with him over those provinces that produced the revenues out of which the *Chout* was paid.

This *Chout*, or tribute was continued to be received by the Marahtahs from the Mogul even long after the revenues of the Déckhan provinces had ceased to be paid into the royal † treasury at Dehly: for in the year ‡ 1740, when the deputies of the Sahōo Râjah (King of Sittârah) arrived as usual at Dehly to receive the *Chout*, they were told by the Mogul's ministry, " That *Nader Shah* had lately so exhausted the trea-" sury, that the Emperor was rendered utterly incapable of satisfying " their demands, the more especially as the revenues of the Bengal " provinces had been withheld from the year 1738 by the rebellion of " *Allaverdy Khawn*, who, in conjunction with his brother *Hajee Ahmed*, " had usurped the government of that subahdary; they requesting at " the same time, that the deputies would entreat their master, in the " Emperor's name, to send an army of sufficient force to exact the " amount of the *Chout* that was due to them, and also to take the heads " of *Allaverdy* and his brother, and restore the family of Sujah Khawn " to the subahship; as the distracted state of the empire put it out of " his power to send a force strong enough to reduce the two rebels."

Thus power was given to the Marahtahs by a real Mogul, upon the loss of the Déckhan, to levy their tribute on the Bengal provinces, in lieu of what they had received as their *Chout* from the Déckhan revenues. But the truth was, the revenues of both Subahs were alike lost to the Mogul; so that his ministers may be supposed to have given such an answer merely to get rid of a troublesome demand, though even made without justice. However, the Marahtahs accepted of the transferred pledge, with the service annexed to it, which had the appearance of giving them likewise a new title to their *Chout*; and they accordingly proceeded to act from those powers for both purposes. An army of eighty thousand horse was expeditiously sent by them into the Bengal provinces, under the command of *Boskhar Pundit*, who, after explaining the nature of his powers ||, demanded of the usurper, *Allaverdy*

* HOLWELL's HISTORICAL EVENTS, Part I. pages 104—107.
† IBID. page 108.
‡ IBID. pages 108 and 109.
|| IBID. page 113.

Khawn,

Khawn, "Three years arrears of the *Chout*, the treasures of the two late "Subahdárs, and that in future an officer of their own should have a "seat in every cutcherry throughout the provinces, to collect the "fourth part of the revenues on their behalf."

These demands being refused with extreme indignation, preparations were of course made for a decision by arms. The first consequence of which was, that *Allaverdy* found himself in so dangerous a situation, as, with twenty-five thousand Patân and Bengal soldiers, to be necessitated to force his way desperately through the whole Marahtah army, and make a fighting retreat from Burdwân to the opposite side of the river at Cutwah; which he effected in three days, with the loss of all his men, except five-and-twenty hundred Patâns and fifteen hundred of his Bengal forces.

During the continuation of this war, which was to the latter end of the year 1747, one of the brothers, Hajee Ahmed, was put to death in a very cruel and ignominious manner. The other, *Allaverdy Khawn*, though not unsuccessful in the field, after performing many extraordinary exploits, from immense profusions of blood and treasure, found it necessary to purchase peace of the Marahtahs with the cession of Cuttack, and the payment of an annual *Chout* of * twelve lacks of rupees.

The English East India Company have since got possession of Bengal, Bahar, and so much of Orissa as had been preserved by the latter Nabobs; and there have been negociations entered into by their servants with the Marahtah Râjahs, particularly Janoogee and Ragoonaut Row, concerning the *Chout*; the latter of whom, the Court of Directors were informed from their President and Council in Bengal, under date of the 5th January 1768, had assembled an army at Berâr; and, by dispatches of the 29th of the following month they were farther advised, that "The President, since Mahomed Reza Khawn's arrival in Calcutta, "had, in conjunction with that minister, had several conferences with "the Marahtah Vakeel on the subject, who assured them; that his "master would not listen to any accommodation for the cession of Cuttack and consideration for the *Chout*, on any other terms than the "annual payment of † *sixteen lacks of rupees*, to be accounted for *from* "*the time the Company took charge of the Dewannee* of those provinces, "and the select Committee on their behalf, *to be guarantees for the Na-* "*bob's faithful performance of the treaty*. In support of the propriety "of these demands, he recited the promise made to his master by Mr.

* One hundred and fifty thousand pounds sterling.
† Two hundred thousand pounds sterling.

"Vansittart, in the year 1763, *of paying all arrears of the Chout*, on "condition that he did not join his forces to the troops of the Nabôb "*Cossim Ally Khawn*; and laid much stress upon the assurance given "him by *Lord Clive*, that whenever the treaty should be concluded "with them, '*the annual sum stipulated for should commence* from *the time* "*the Company were invested with the Dewannee of the provinces*. After "many debates the Vakeel consented, with assurances of his master's "concurrence also, that the rents which have been collected in Orissa "during the above period should be set against the annual arrears "which he demanded.

"By such an agreement," (proceed the Governor and Council) "and a proper examination of their accounts, the arrears will be con-"siderably diminished; and although we must expect, from the di-"stracted state of the Marahtah government, that they have not col-"lected the whole amount of the revenues of that province, yet we "have reason to believe, that under your government, and the imme-"diate inspection of your servants, they may in time amount to, if "not exceed the annual tribute demanded.

"As this was a matter which we deemed of the highest importance, "so it has engaged our most serious attention: when we consider the "many benefits which must naturally result from thus uniting the *Com-"pany's territories on the coast with your valuable possessions in Bengal*, "a step which will complete the chain of your *influence* and *dominions*, "from the *banks of the Caramnassa to the farthest extremity of the coast of* "*Choromandel*, a measure that must tend so greatly to the preservation "of both settlements, by the mutual support which at all times it will "enable them to give to each other; the removing at once every pre-"tence of the Marahtahs for disturbing the peace and tranquillity of "these provinces, and the shock it will give to their strength and "power, whenever it may be found necessary to separate so principal "a member as *Janoogee*; who, during the whole course of his nego-"ciations, has expressed an earnest desire to enter into an offensive "and defensive alliance with us: all these considerations having been "attentively weighed and debated in Committee, we resolved to *ac-"quiesce in the proposals of the Vakeel*, and to bring the treaty to as "speedy a conclusion as possible: the President has accordingly signi-"fied our assent in a letter to *Janoogee*, and has requested of the Na-"bôb to agree to it *on his part*."

Thus we see negociations were long ago on the carpet between the Marahtahs and the English East India Company, not only for the re-establishment of their *Chout*, or tribute, but even for the payment of

arrears from the time of our acquiring those territories. What has been farther done in these matters we pretend not to say; but we know it is said in India, and has been *lately* written from thence hither, *that there are important points which the Marahtahs have in view, and that they will persevere in the pursuit of them.*

The Marahtahs are in possession of a very extensive country, and their husbandmen and manufacturers are on their military, or rather militia-establishment. Being all bred to arms, and heretofore entirely cavalry, they are enterprising from long practice, and ever ready to march out of their country to ravage the territories of, or impose tributes on their neighbours, or for any other purpose. Being ferocious and rapacious, they are naturally cruel; insomuch that they maim * and murder as well as spoil, and often torture to extort discoveries, when they think treasures are concealed.

It has already been shewn they long ago were very formidable; but they are grown much more so of late. In their expedition already mentioned against *Allaverdy Khawn*, in the year 1742, they almost instantly marched an army of † eighty thousand horse into the Bengal provinces; the remains of which being necessitated to retire the next year into their own country, two more armies, each of ‡ sixty thousand horse, were directly sent on the same service; and their point was at last carried. What they have long proved themselves by practice, they are now universally acknowledged to be, by far the most powerful of all the Hindoo nations. They have shewn they are greatly an overmatch for Hyder Ally; and as of late years they have been forming an infantry, which must be a regular force, should they make it but tolerably numerous and well disciplined, they will be soon able at any time to swell their numbers to what degree they please, as there are ‖ supposed to be no less than one fourth part of the natives of Hindostân, taking the country throughout, that are soldiers of fortune; who, from ill pay and discontent, will be ever ready to join them in any undertaking § from which advantage can be hoped; so that a great military power in India may at any time be soon formed: it should there-

* See HOLWELL's HISTORICAL EVENTS, Part I. pages 134 and 135.

† IBID. page 110.

‡ IBID. page 136.

‖ DOW's HINDOSTAN, Vol. II. page 402, second edition.

§ This hath been the real case for ages past, whenever the Marahtahs made sudden expeditions for plunder. It appears by no means improbable, that the very terms now in general use, of *Marauder* and *Marauding*, are derived from the Marahtah name, as they are expressive of Marahtah practice; especially as the Portugueze gross term of reproach, *Maroto*, which may be construed to mean a sturdy, desperate vagrant, appears to have been an early corrupt importation from the coast of Malabar.

fore be hoped, that the ruling powers in this kingdom will be, always greatly on their guard, lest an ignorant or iniquitous administration of power in India should sacrifice advantages that may be but ill estimated at present here, but which might be soon made of the utmost importance to the state.

No rational doubt can be entertained, from the plunders and miseries which they have experienced from frequent changes of masters, and the entire want of legal protection and justice, but that all the most valuable people in the Bengal provinces, who are the husbandmen and manufacturers, would quietly submit to any government that had but the virtue to treat them with humanity, and patiently labour on, so long as they find themselves able by their industry to subsist. But whenever that end can be no longer obtainable by such means, they must and certainly will seek refuge from intolerable misery by any kind of desperation.

The single object which an oppressed people ever have in view, is to free themselves by any means from the present tyranny which they suffer, with trusting to chance for whatever may follow: and we should be extremely weak to suppose the people of Bengal can ever want instigators to, or supporters in a revolt. Those possessions are envied Great Britain alike by the powers of Europe and Asia; who will not scruple, either separately or conjointly, by any means whatever, to deprive her of acquisitions of such infinite importance.

Thus evidently doth it appear, that there is a native power now in India which may be considered as great, and at this very time extremely formidable to the Company; being masters of a great part of India, and by late acquisition in actual possession of the greater part of Orissa, which they now hold as a pledge, and which, to be re-obtained, must in effect be purchased by the payment of arrears; and the Company's servants must likewise be sureties for the payment of an annual tribute in future of *two hundred thousand pounds*, only because demanded of them by a neighbouring Indian nation.

Such is the present state of the British dominions in Bengal, entrusted to the care of the East India Company, whose government there is rendered hateful to the natives by oppressions, has occasioned desertions of many of the people, is in general odious in India, disgusting to and envied by many of the powers of Europe, and tyrannical in the extreme towards their resident fellow-subjects: from all which circumstances, let the impartial and judicious be judges of the degree of security the state can have in those possessions, should oppressive conduct and ill policy be longer suffered to prevail.

CHAP.

CHAP. II.

On the MOGUL EMPIRE before the INVASION of NADER SHAH.

TŒMOOR BEG, otherwiſe called Tœmoor Lung, or Tamerlane, invaded Hindoſtân about the 1397th year of Chriſt, or the 800th of the Higerah, where he was guilty of abundant ravages and murders; but ſoon retired to his own country, and never viſited India more.

It was not till about the year 1525, that Baber, one of his deſcendants, got poſſeſſion of Dehly, ſeated himſelf on the throne of Hindoſtân, and properly eſtabliſhed the Mogul empire in India; the duration of which has not much exceeded two hundred years, with various degrees of fortune, figure, and proſperity.

The principles of the Mogul government were however ſo moderate and mild, that while the empire did continue to flouriſh, it certainly muſt have been more owing to the prejudices and peculiarities of the people, than to any faults in their rulers, that they did not grow powerful in proportion to their proſperity. As the court of Dehly always appeared ready to give every kind of encouragement to the commercial intercourſes of other nations with the natives of Hindoſtân, we may reaſonably ſuppoſe they would have been equally ready to favour any commerce, which their own ſubjects had diſcovered an inclination to proſecute with diſtant countries, eſpecially as all ſcruples of a religious nature muſt have been entirely out of the queſtion: for the Chriſtian could not have been more offenſive than the Hindoo religion to a Mahomedan government. But indeed it does not appear, that they ever much concerned themſelves about the religion either of their own Indian ſubjects, or of thoſe who traded with them. All people who went to deal in India found welcome and indulgence from the Sovereigns of the country: from which practice we may infer, that they would as willingly have encouraged a ſpirit of commerce as of manufacturing, in the natives of India; to which they probably had not unfrequently been invited by the ſovereigns of many other countries. Such was at leaſt the caſe with reſpect to England; for both Queen Elizabeth and her ſucceſſor did give them ſuch encouragement. And as ſuch would have been the beſt means that could be deviſed for eſtabliſhing in their country a maritime power, which muſt equally have added to their political importance and national ſtrength, (both of which were always

favourite

favourite objects to Mahomedan governments) they would from policy have been inclined to favour such undertakings. And we may the more readily suppose them capable of comprehending a system of policy like this, as we know their right ideas of the advantages resulting from manufacturing induced them to give every encouragement to the practice, even in some instances considerably to the lessening of their own revenues by so doing.

The lands of Hindostân were principally the property of the Moguls, and almost the whole of their income arose from the rents of them; the rest of their revenues consisting of little else than a few low-rated port and inland duties. Yet so very attentive were they always to the manufacturing interest, and of course to the welfare and prosperity of their people, that in the prosperous times of the Mogul government the rents of their lands were always kept extremely low; though of late years the rates* of them may at least be supposed to have doubled. The ancient laws of Hindostân indeed prohibited any advancement of the rents of the lands on those who really occupied them; nor could the agreements be violated that were made with such tenants, so long as they continued the regular payment of their rents: which surely may be considered as remarkable instances of royal attention to the welfare of the state, the happiness and effectual protection of the people, and of extraordinary moderation in a government that was despotic, especially in so interesting an object as that of the revenue, and even the principal part of it: for those rents were made to answer almost every purpose of taxation for supporting the establishments of a splendid court and great empire.' Such was the wise and benignant internal policy, and such were the humane and just laws of the Mogul government.

By such judicious regulations, provisions were rendered cheap; and as there were no kinds of burthensome levies on the people of Hindostân, the rates of all labour were consequently very low; so that manufactures were thereby made so favourable in prices, that they forced their own sale in the remotest regions of the globe; which caused such treasures to stream from all quarters into those countries that produced them, as kept Hindostân enriched, beyond comparative example in the records of time. A quick succession, however, of rapacious masters

* See a LETTER from Mr. SYKES to the SELECT COMMITTEE at CALCUTTA, N° XXXIX. in the APPENDIX, page 140. And likewise Mr. HOLWELL'S LETTER to the BOARD of DIRECTORS in LONDON. Dated December 1765. HISTORICAL EVENTS, Part I. page 222, &c.

It may be proper just to mention here what will be enlarged on hereafter; that there were two ways of paying those rents, according to stipulations. One by a fixed value in money, as rent is now paid in this kingdom; the other by a part of the products of lands, paid in money, according to the rates of the markets when due.

since,

since, with a total change of policy and practice, have of late years been as rapidly impoverishing those countries again.

So likewise, in order to encourage the purchase of such manufactures, those Princes manifested equal wisdom and generosity in granting to foreign traders their royal firmauns * of exemption from the payment of all duties; which was lessening another branch of the revenue, for the generous purpose of promoting public prosperity, and the reverse of what was ever practised either by ignorance or tyranny.

It must then have been the fault of the Hindoo people, and not of their Mahomedan government, that India did not many ages past figure as much in commerce abroad as in manufacturing at home; and she would thereby not only have acquired the valuable arts of the western nations, of many of which she is yet much in want, but likewise what would have been above all, probably such maritime power † as might have effectually protected her against any nation on that element.

But

* Exemptions from such duties, to favour a beneficial trade that was carried on by foreigners, were certainly wise measures; as were likewise the fixing of low import-duties on things necessary or useful; and more especially when they served to promote a mutual traffic which, upon the whole, had been experienced to be extremely profitable. But on the contrary, nothing can be more absurd than to value a trade, however losing on the balance, for the import-duties, or internal taxes which it is made to occasion consumers to pay; because direct or indirect national profit should be the only public end in view, from either prosecuting or encouraging any kind of foreign commerce.

Yet it has not been uncommon to hear the value of the India trade of this kingdom estimated by the duties and taxes which government has been enabled to levy on such commodities, imported from Asia to be consumed in this country; which is judging contrary to every principle of sound policy. Suppose, for example, we paid yearly a million balance to India, for tea, coffee, callicoes, muslins, wrought silks, and other articles of luxury which we could well do without, in order to enable government annually to raise two millions by taxes on the people; government would, in such case, be actually purchasing those powers of taxation at fifty *per cent.* loss to the state, besides injuring the industry of the nation in an equal degree: for manufactures to answer all the purposes of those so imported, and even coffee, might be produced in the British dominions. As for tea, we had better not consume it at all; because it is expensive in the purchase, and many ways hurtful in its use. It should therefore be thought the reverse of good policy to encourage unnecessary, or pernicious imports, merely for the sake of the duties and taxes on them which are paid by consumers at home; because so much as the people are able to pay to government might be drawn from them by means that would neither prove hurtful to themselves, or injurious to the state.

In like manner, since this nation has acquired immense territories in India, which must constitutionally be the property of the state, it is strange policy to suffer annual revenues of several millions to be there made subservient to a branch of national trade which is prosecuted under a direction that must be incompetent for good government, and is without sufficient power for the protection of extensive dominions. The revenues and preservation of large, populous and wealthy provinces are now with regard to India, the great objects of this country, and not the concerns of a company of natives and foreigners, who are carrying on a trade that is in many ways hurtful, and may, upon the whole, be likewise a losing one to the kingdom.

† Had there been ever any material maritime strength in India, which would really have been contrary to the genius of that country, it must have been impossible for the Portugueze either to have acquired or kept possession of the territories which they so long held in Hindostan; for they were always in a state of religious war with the natives, and never able to support a considerable navy. And yet, that they did lose their superiority in Asia at last, was in no degree owing to any power in the

Indians,

But so entirely did the principles and manners of the Hindoos prevent their visiting foreign countries, that, not only all their distant maritime commerce, but even their traffic by caravans from the back parts of their own country, together with most of their coasting, and much of their inland trade, were prosecuted by foreigners: to which causes must have been greatly owing their weakness in past times, and their present miserable subjugation to a body of the trading subjects of one of the most distantly-situated potentates on the globe. Indeed a free intercourse with remote countries would not have less tended to strengthen them as a military than a maritime power, because all the great improvements which, in late ages, have been made in the art of war, were of European invention, as hath likewise been the case with respect to other useful arts.

To the peculiar religious principles and consequent reserved manners of the people, therefore, may be attributed the continual weakness of Hindostân; and to the excess of their extreme despotism has been owing the instability of their governments. Tyranny was never long secure in any country but Germany; and there, by compact, it has been rendered constitutional: a confederacy of military despots having engaged to be the supporters of each other.

Wealth in other countries is usually considered as the foundation of power; but in Hindostân it has proved otherwise: it has there rather been the source of weakness. The very idea of despotism with riches, is apt to occasion indolence: and with great delegated power servants soon grow to be masters of those whom they appear to obey; of which the History of Hindostân abounds with striking examples. But that the Mogul empire, in the days of its splendor, was one of the most extensive and rich that the world has ever known, was always believed, and of late has been made evident by many writers, from indisputable authorities.

The most authentic account that has been published of the revenues of this empire, while in its flourishing state before the invasion of Nader Shah, is of the reign of the Emperor Aurengzebe *, who died in the year 1707; when the annual revenues are specified to have amounted to

Indians, but to their subjugation to Spain, with which nation the Dutch were then desperately contending even for existence as a people. Perhaps the greatest maritime power ever belonging to Hindostân was that of *Angria*, who (as Grose informs us in his voyage to India, page 130.) had the presumption to demand a yearly tribute of twelve lacks of rupees, or an hundred and fifty thousand pounds sterling, from the English Company, to let their ships pass unmolested: and yet we saw his whole power very speedily and effectually destroyed during the late war, by Admiral Watson, with but few ships.

* See Mr. JAMES FRASER's HISTORY of the MOGUL EMPERORS, page 35.

thirty-

thirty-ſeven millions, ſeven hundred twenty-four thouſand, ſix hundred and fifteen pounds ſterling *, the Sûbahs, or greater governments being rated as follows.

Sûbahs.	Dāms.		Pounds ſterling.
Dehly	1,221,950,137		3,818,594 3 6
Agra	1,146,760,157		3,583,625 10 0
Azmeer	652,345,362		2,038,579 5 0
Illahabâd	456,543,248		1,426,697 13 0
Panjâb	826,132,107		2,581,661 16 8
Audih, or Owd	322,327,829		1,007,274 10 0
Multân	214,442,936		670,134 3 6
Cabool	161,039,354		503,248 0 0
Caſhmeer	229,911,397		718,473 2 4
Guzerât	607,849,135		1,899,529 3 6
Bengal	524,636,240	L. 1,639,488 5 0	
Baha'r	407,161,000	1,272,378 2 6	
		2,911,866 7 6	
Orissa	142,820,000	446,312 10 0	3,358,178 17 6
Scind	91,816,810		286,927 10 0
Dowlatabâd	1,034,945,100		3,234,203 9 0
Malvâ	403,901,658		1,262,192 13 6
Berâr	614,025,000		1,918,828 2 6
Khandeiſh	448,630,000		1,401,969 0 0
Bedr	372,974,370		1,165,545 0 0
Hyderabâd	1,113,360,000		3,479,250 0 0
Vizapore	1,078,305,000		3,369,703 2 6
Dāms †	12,071,876,840	L. Sterling	37,724,615 2 6

Every perſon well acquainted with Hindoſtân will allow, if the above ſum found its way into the King's treaſury at Dehly, that it may, with great moderation, be admitted, twice that ſum at leaſt was collected from the tenants, or huſbandmen, as will be made to appear evident to the

* In the account of the embaſſy of Captain William Hawkins to Dehly, it appears the yearly revenue of the Mogul, Shah Seleem, ſon and ſucceſſor of the great Akbur, in the year 1610, was rated at fifty millions ſterling; and Sir Thomas Roe, another of King James's ambaſſadors to the Mogul, afterwards confirmed that eſtimation: but the provinces which were then poſſeſſed by the Mogul are not enumerated. See Purchas's Pilgrimes, printed at London 1625 and 1626.

† The land revenues were computed at the court of Dehly by Jāms, which are here reckoned, according to Mr. Fraſer, at forty for each ſtandard, or ſicca rupee, and each rupee at two ſhillings and ſix pence.

reader in a following chapter, which will treat of the revenues and methods of collecting them in those countries.

Mr. Holwell, formerly Governor of Bengal *, asserts, that "the revenues of the lands are very nearly in a quadruple proportion to "the rents of them." We are therefore certainly secure in estimating them at only half that value; by which calculation we have the sum given us of upwards of seventy-five millions four hundred thousand pounds sterling, for the annual produce of the farmed lands of the Mogul empire in Hindostân about the year 1707.

In further proof of the late grandeur of this empire, it will not be foreign to our purpose to put the reader in mind of some circumstances, as related by others †, attending Nader Shah's invasion of Dehly about the beginning of the year 1739.

The throne of the then emperor, Mahomed Shah, known throughout Hindostân by the name of *Tukhte-Taoos*, or the Peacock Throne, as taken by that invader, was valued at ten crores of rupees, or about twelve millions and a half sterling; which, together with the other regalia, treasure, and valuables that Nader and his nobles carried away with them, amounted, in the whole, to no less than from seventy to eighty millions sterling. The computation of the damage otherwise done to the capital and its inhabitants on this occasion would scarcely be believed, if it was not so well vouched by Mr. Fraser in his translation of Mirza Zuman of Dehly's very particular journal of the transactions of that period, and also by the concurrent testimonies of many reputable persons still living in Hindostân.

The foregoing particulars, it is hoped, will be deemed sufficient for our present purpose of shewing, in a compendious view, what have been the revenues and splendor of this empire, even at so late a period of time as hath been mentioned. If any one would wish to see a more particular account of the riches and magnificence of the court of Dehly, when in its prosperity, let him read the accounts of Monsieur Bernier ‡, who was an eye-witness of what he relates of Aurengzebe's court.

With respect to the state of justice in the Hindoo governments, we might be induced to form the most romantic notion of it from the ingenious performance of the writer before quoted, who, from having been many years in the East India Company's service, and for some time their

* HISTORICAL EVENTS, Part I. page 219.

† See DOW'S HINDOSTAN, the first edition, page 26 of the *Appendix*: and ORME'S INDOSTAN, page 23 of the Dissertation. See also LETTRES EDIFIANTES, *Paris* edition 1741, Vol. 25, pages 444, 452, &c.

‡ VOYAGES de FRANÇOIS BERNIER, printed at *Amsterdam* 1699.

Governor

Governor in *Bengal*, might reasonably be supposed to have had good intelligence. Speaking of *Bissenpore*, the dominions of Gopaul Sing, a Râjah to the westward of Burdwân, who was then said to have preserved the antient independence of his country, Mr. Holwell says *, "In this district are the only vestiges of the beauty, purity, piety, regularity, equity, and strictness of the ancient *Hindostân* government. "Here the property as well as the liberty of the people are inviolate. "Here no robberies are heard of, either private or public: the traveller, "either with or without merchandize, on his entering this district, becomes the immediate care of the government, which allots him guards, "without any expence, to conduct him from stage to stage; and "these are accountable for the accommodation of his person and effects," &c. &c.

But whatever may have been the ancient state of that country, there are others in England who have long resided in many parts of India, and do not remember ever to have *seen* in any part of *Modern Hindostân*, which they have traversed, so much as one example of such purity of manners as this gentleman here mentions; though, from evidence that should be thought indisputable, it may be admitted, that there is no reason to think the natives of Hindostân have not in former times been as virtuous and happy as any people whomsoever.

With regard to later times, another modern writer on this subject, assures us †, "that the laws of Hindostân were wisely instituted as barriers against oppression, and continued in force until the invasion of "Nader Shah; till when there was scarce a better administered government in the world. The manufactures, commerce, and agriculture "flourished exceedingly; and none felt the hand of oppression, but "those who were dangerous by their wealth or power. For, *till within these very few years*, merchants were no where better protected, nor "more at their ease than under this government: nor is there a part of "the world where arts and agriculture have been more cultivated, of "which the vast plenty and variety of manufactures, and the rich merchants were proofs sufficient."

During the Mogul government, though they had no laws in Hindostân like English acts of parliament, they had various books, written by learned and religious men, containing collections of the Mahomedan immemorial usages and customs, founded on reason and the Korân, which, as in other countries, may be properly called their civil and

* HOLWELL's HISTORICAL EVENTS, Part I. pages 198 and 199.

† LUKE SCRAFTON's Reflections on the Government of Hindostân. Printed 1770, pages 24, 25 and 26.

religious laws; particularly those written, or compiled by Baha al Deen Mahomed Aumly, Malek Shafee, Hanbal, and Abul Haneefa; by which the officers of the government were usually guided in their decisions. In cases not capital or criminal, where Hindoos, or Gentoos alone were concerned, particularly in affairs of their casts, or tribes, which are of the most consequence to Hindoos, the matters (excepting where the Mahomedan Governor or the Kâzy were more than ordinarily bigotted) were generally left to their own Brahmins to be decided according to their Shâstrôs, or ancient Scriptures, of which, as before observed, we have but little knowledge; and, upon decision, a certain duty or fine was levied for the government.

The tenaciousness of the Hindoos to their own ancient customs forced the new comers to this expedient; for as, on the one hand, it was impossible that Mahomedans could conform to the customs of the Hindoos, so, on the other, it was equally impossible for the Hindoos, from the peculiarities of their own civil and religious constitution, to adopt the manners and customs of the Mahomedans, or to receive those invaders into their *casts or tribes*. But whatever expedient might have been adopted to lessen the great confusion and disorder which must naturally have been introduced on the mixture of two nations so widely different in every religious and political sentiment, it is certain, as we may judge from present experience, that nothing could prevent therefrom a corruption of manners.

All the offices and forms of government at the Court of Hindostân, during the empire of the Moguls, have ever been imitations of the Persian, as the names of them evince; to the keeping up of which, the constant ingress of adventurers from that kingdom, who generally met with a favourable reception at Dehly, must greatly have contributed. Those, therefore, who are desirous of knowing what the Hindostân government, as instituted by the Moguls, should be, if the original were well imitated, may see it in the Chevalier Chardin's * very particular account of Persia.

Hindostân is in many places greatly favoured by nature for commercial advantages; and the provinces of Bengal, which are the more immediate objects of our considerations, above all others. This Sûbah of the empire, which was emphatically stiled by the Emperor Aurengzebe, *The Paradise of Nations*, spontaneously produces, in great abundance, almost every thing requisite for the support and even high enjoyment of mankind. No country can be better watered, by a variety of

* Voyages en Perse, du Chevalier Chardin.

considerable

considerable streams falling into or *from* the great rivers *Puttla* and *Brimhaputre*, which render the inland navigation very extensive and convenient for the purposes of trade †. This great facility of obtaining water, and the natural fertility of the soil, every where assisted by the periodical rains from May to September, render the cultivation of the earth an inviting task, and so easy, as to afford the husbandman great leisure for application even to the arts of manufacturing.

Dehly, without the aid of silver or gold mines, was in her times of prosperity a receptacle into which the gold and silver of the greatest part of the world had been flowing by regular channels for ages, till foreign invaders interrupted its courses. This great influx of wealth was owing, first, to the extraordinary fruitfulness of the dependent dominions; secondly, to the sober industry of the inhabitants, either applied to agriculture, which was greatly encouraged, or to manufacturing those commodities which have for many ages been in esteem throughout the world; and thirdly, to the strong protection that was granted to merchants.

The encouragement of foreign and domestic trade was more particularly necessary in the Sûbah of Bengal, which, not containing mines of diamonds, gold, or silver, depended solely upon its manufactories for that very large balance of trade in its favour which alone could enable it to pay so considerable a tribute, as hath been shewn, annually to the court of Dehly. Accordingly, as Mr. Scrafton hath expressed it, "*till of* "*late years*," inconceivable numbers of merchants, from all parts of Asia in general, as well as from the rest of Hindostân in particular, sometimes in bodies of many thousands at a time, were used annually to resort to Bengal with little else than ready money, or bills, to purchase the produce of those provinces. The causes and effects of the unfortunate failure of such commerce since, will hereafter be made appear.

† The Indians of Bengal formerly carried on a considerable trade by sea, and had some sort of maritime power, as we read in many parts of Purchas's Collection; particularly, in the year 1607, an account is given of a fleet from the King of Bengal having invaded the Maldivia Islands. It is most probable that this fleet was composed only of coasting boats, such as are still built in some parts of the Bay. But whatever might be the state of such navies heretofore, it is certain that the Indians have not figured in the maritime way since the Portugueze found their way among them round the Cape of Good Hope. However, the late Angria whom we have before mentioned, at Gheria on the Coast of Malabar, gave many signal proofs of what might be done, even by an Indian navy, in Indian seas, under the direction of only one able man; and our East India Company may perhaps repent the surrender of that port, which they so imprudently and easily gave up to the Marahtahs.

CHAP.

CHAP. III.

On the STATE of HINDOSTAN, since the total SUBVERSION of the EMPIRE; and the present condition of the PRINCE whom we now call the GREAT MOGUL *.

AFTER the picture exhibited in the preceding chapter, nothing can afford a more striking example of the instability of human power than the contrast which will appear in this.

From authors who have particularly treated of this subject, it is too well known to need being enlarged upon here, that after the invasion of Nader Shah, in the year 1739, an imbecility succeeded, which soon dismembered the empire, under the then Emperor Mahomed Shah. Every Subahdâr, or governor of a province, regardless of the Firmauns from the Court of Dehly †, set up for himself, and muderers and usurpers soon abolished all laws and established usages, and spread devastation and misery throughout the empire. " The ‡ country was " now torn to pieces by civil wars, and groaned under every species " of domestic confusion. Villainy was practised in every form ; all " law and religion were trodden under foot ; the bands of private " friendships and connections, as well as of society and government, " were broken, and every individual, as if amidst a forest of wild " beasts, could rely upon nothing but the strength of his own arm."

From the time of the Emperor Aurengzebe, there had been many princes of the blood kept in prison at Dehly ; from whence, in succeeding times, they were sometimes taken out and raised to nominal dignities, only to be made use of upon occasion, as the usurpers found convenient § for their own ambitious views ; and in this imbecile state

* We make use of this title as being best known in Europe, though it appears to have been adopted on no other authority than that of the French missionaries, who, in the first publications of their travels to the East, have been pleased to stile him The Grand Mogul. There is not the sanction of any authority for it, from any appellatio. or title at any time given this monarch in the empire, where he is called simply Shah, or Padshah, in Persian meaning King.

† The Moguls have at different times resided at other favourite cities, as Azmeer, Canouge, Agra, and Fettehpoor ; but the rites of coronation have been always performed at Dehly, as well as in general all acts of government. *Purchas.*

‡ Dow's HINDOSTAN. Appendix, page 57.

§ The Hindostanners have had frequent examples in Persia of this treatment of kings for private purposes since the time of Nader Shah. See LETTRES EDIFIANTES, Vol. 28, page 227.——In a letter from Pere Grimod, dated at Ispahan the 20th August 1750, " Depuis la mort de Nader Chah, " il y a eu cinq Rois, trois ont été massacrés, le quatrieme aveuglé, le cinquieme a été proclamé de- " puis peu. C'est un enfant. Il n'a été fait Roi, dit on, que pour la môntre et pour donner occasion " à ceux qui l'obsedent de tirer des sommes considerables des villes éloignées."

of

of the government, the Emperors themselves became the tools of their own traiterous officers. Thus the Omrah Gazi al Deen Khawn, who was Búckshy of the empire, or paymaster of the troops, in the year 1753, dethroned his master the Emperor Ahmed Shah, who was the son and successor of the before-mentioned Mahomed Shah; from which period the Mogul empire with the greatest propriety may be considered as totally subverted and not existing. From that time, whatever pretenders there have been to the title, there has been properly no Emperor; almost all the provinces which were then tributary to Dehly having been disunited, and become so many separate, independent governments.

The rebellious Omrah Gazi al Deen Khawn, after dethroning his Sovereign, sent him to prison, where the several other Princes of the royal blood were also kept confined; and he afterwards obliged a surgeon who had been long in the Emperor's service, named Yacoob Jan, and who is now retained in the employ of Mahomed Reza Khawn at Murshedabâd, to put out his Majesty's eyes.

At the very time this rebel put out his master's eyes, he took another Prince, named Yaz al Deen, out of prison, whom he placed nominally upon the throne of Dehly, by the name of Allum Gueer; and after having used this Prince as an instrument till he found him grow troublesome, he then laid a snare for him, and some time in the month of December 1759, had him assassinated.

After the murder of Allum Gueer, the ambitious Gazi al Deen Khawn took another Prince out of prison, and placed him in like manner on the throne of Dehly, by the name of Shah Jehān; but the ambitious views of this traitor being defeated on the invasion of the Dehly provinces, engaged in by the Marahtahs in the year 1761, he then thought fit to retire from the scene of public villany, and fled into the country of the Jates.

The mock Emperor Shah Jehān, having sat in shadowy greatness but a few weeks on the throne of Dehly, was suddenly deposed and again imprisoned by the conquering Marahtahs, who in his stead placed on the throne, JEWAN BUKHT the eldest son of ALLY GOHAR, another prince of the line of Tamerlane, whom Gazi al Deen had, among the rest, kept a state prisoner. This Prince, ALLY GOHAR, who is the eldest son of the before-mentioned Allum Gueer, is the same whom the English East India Company afterwards *created* EMPEROR OF HINDOSTAN.

Akhmet Abdalla, chief of the nation now called Durannies or Abdallas, a native of Candahâr, who had raised himself from being a Chubdár of Nader Shah's, and, in the confusion which ensued upon

Nader's

Nader's death, had usurped all the northern provinces ceded to Persia by Mahomed Shah, was at this time grown very powerful. He had already once invaded Hindostân, and fought several battles with the Marahtahs, with whom the contention in fact was, who should place a King on the throne of Dehly, as a tool of their own. Upon his second invasion of Dehly he gave them a total overthrow, on the 8th of February 1760: but was pleased to confirm the appointment made by the Marahtahs of the young Jewān Bukht to the throne, now circumscribed in authority to the provinces of Dehly; and after settling the annual tribute to be paid by the young nominal King, for the provinces thus conferred upon him, and putting him under the guardianship of a Rohilla Chief, one of his own creatures, named Nigib al Dowlah, Abdalla returned to his own country.

In the mean while, that is, some time in the year 1758, the before-mentioned Prince, ALLY GOHAR, had found means to escape from the prison in which he and several brothers had been born, at Dehly; and it was his good fortune at last to fall into better hands than his predecessors had done, those of the English East India Company. But it was not, however, till after the unfortunate Prince had received many rebuffs, and experienced various calamities, that the English Company condescended to *create him their* GRAND MOGUL.

After his escape from prison, he led a vagrant kind of life for about nine months, till he was drawn into a snare by the famous Gazi al Deen, and again confined. By an act of gallantry he freed himself from this second confinement, and sought refuge with a Marahtah Chief, named Ittul Row, who protected him for some months, plundering the country in his name. Tired of his situation with this Chief, he next betook himself to the before-mentioned Rohilla Chief, Nigib al Dowlah, at Secundra; who, not choosing to engage in his schemes, was soon quitted by him, and he went over to Sujah al Dowlah *, Subahdār of Owd, who also preferring the independence which the confusion of the empire had given him, made the Prince Ally Gohár a small present, and desired him to quit his dominions.

Our wandering Prince, who was also known by the name of Shahzada during the life of his father, Allum Gueer, next took refuge with Mahomed Kuli Khawn, Nabôb of Illahabâd, with whom he concerted a plan for invading and taking possession of the territories of

* The same who in 1764 was conquered and driven out of his dominions by the English Company, some time before the arrival of Lord Clive at Calcutta, by whom he was afterwards restored.

Bengal,

Bengal, having for that purpose some time before had the caution privately to obtain from his father a grant of that subahship, as a royal favour.

Accordingly an army of desperate adventurers and disaffected Zemindárs being collected together, about the end of December 1758, they marched from Illahabâd towards Bengal, to take possession of those provinces which, in fact, the English East India Company's Governor, then Colonel Clive, had in June 1757 taken from the Nabôb of Bengal, Serajah al Dowlah, and conferred on one of his officers named Meer Jaffier Ally Khawn.

Our Prince was very unsuccessful in this expedition; and so little respect did the English in Bengal hold him in at this period, that Colonel Clive, at the request of his new made Subahdár Jaffier Ally Khawn, marched to * punish those Râjahs "who *had dared to join him.*" The Prince represented to the Colonel in a very pathetic letter, "that "he had no intentions against Meer Jaffier's life or *government*, that all "he aimed at was an army to make head against the Vizier; and that "if it pleased God to favour his cause, the Colonel might command "any advantages for the Company or himself." Colonel Clive having communicated this to the Nabôb's son and ministers, it was on all hands agreed, that "it would be dangerous to have a Prince of the "blood in any of the provinces. The Colonel therefore sent back the "messenger with a respectful letter and a present of about *one thousand* "*pounds sterling*; which behaviour so charmed the Prince, that he sent "word to Colonel Clive he would force himself under his protection, "and dare him *to deliver him up*; but the Colonel was necessitated to "answer, that *he acted under the Subahdár Jaffier Ally Khawn's orders*, "and would therefore by no means advise him to put himself in *his* "power. Whereupon our Prince was obliged to seek some other refuge; "and the Colonel, to intimidate the neighbouring powers from ever "disturbing the Bengal provinces again, thought fit to shew his resent"ment to Sujah al Dowlah (who had assisted the Prince) by representing "to him, that as he could not but know the inviolable friendship sub"sisting between him and Meer Jaffier, he wondered he should pre"sume to send forces into *his country*; that if he still persisted in "sentiments of enmity, he ought to own it frankly; in which case he "(Colonel Clive) would march up again after the rains, and appeal to "to the decision of the sword." *

* See Mr. LUKE SCRAFTON's Letters, entitled, *Reflections* on the *Government* of *Hindostan*. Pages 117, 118 and 119.

It was not convenient to the English in Bengal at this time to acknowledge the authority of this Prince. It may not however be amiss now to turn our eyes to the other side of India, and see the uses made of GRAND MOGULS by the Company on the Malabar coast, in the curious reasons given by Mr. Spencer, afterwards Governor of Bengal, in an apology to THE MOGUL, for taking his Majesty's port and city of Surat in the year 1759. As an extract would do injustice to the subject, we beg leave to refer the reader to the bottom of the page for the copy at large of Mr. Spencer's representation * to the Mogul on the occasion.

Things continued quiet in Bengal for a short time; but in the year 1760 the Prince renewed his attempts on those provinces; and though

* A REPRESENTATION made to THE MOGUL by JOHN SPENCER, in behalf of the Honourable English East India Company, 1759.

" That by virtue of royal Firmauns of your Majesty's predecessors, the English hitherto enjoyed " favour at Surat, and carried on their business in a reputable manner, till in these days, that the " Siddees usurping an undue authority in the town, used it to the ruin of the city in general, *the " lives and properties of your Majesty's subjects, being made light of by them, and they even proceeded " so far as to take away the lives of Our people*, in direct breach of your Majesty's Firmaun; and in " short, instead of being the protectors of the place, became the oppressors of it to such a degree, " that the just orders of your Majesty were no ways regarded in this city by their means, and things " were come to this pass, that though in consideration of the *Tunkhaw* † the Siddee was to protect the " Bar, yet so far was he from doing it, that for many months past a large fleet of Sancrajee Punt's " (Ballajee Row's Naib) entirely shut up the Bar, as did a large land-force by land, to the infinite " detriment of the place and inhabitants in general, without the Siddee's interfering therein; *and " there was the greatest reason to believe, that unless some speedy and rigorous measures had soon been " pursued, your Majesty's famous city of Surat, the only port of good Mussulmen to the tomb of your " prophet, would have been brought to shame.* In such circumstances, the eyes of the whole town " were cast *on us*, as the only persons of force sufficient to save the city from the calamities that it " then felt, and was still further threatened with; and in consequence of their solicitations *to me, " though our business in these parts of the world is only to trade and merchandize and we are not de- " sirous of taking or governing cities or countries*, yet as all the inhabitants of this place, great and " small, were earnestly desirous of it, *and I saw it was for the good of the place*, I wrote to the Ge- " neral of Bombay on the subject, in such manner, that at an immense expence he sent hither, in " Our King's ships, a great force of good and experienced men, with a large quantity of artillery and " other warlike stores of all sorts, with which *I have had the happiness to procure safety to the city, " and ease to the inhabitants, and have procured an entire currency to your Majesty's orders in the " place, and your Majesty's authority by all ways in our power will be preserved* in this place as it " used to be; *and you will consider the English as desirous of receiving your orders*, such being the " intention of the Governor of Bombay and myself, whose whole power will be used to maintain the " castle, *that we have possessed ourselves of for your Majesty*, and to preserve the Bar and sea open " against all opposers, *on your behalf*, for we shall not apply the Tunkhaw you have granted for " this purpose to others, as has hitherto been the case; and since our having done this, the enemies " that surrounded the place both by sea and land, to its great prejudice, have been removed. We are " always ready for the safety of the castle and city, with its inhabitants, and therefore hope for your " Majesty's favour in behalf of the Honourable English Company, for whose good services on this " occasion I must refer your Majesty to the representation of the inhabitants of the place." See *An Account* of the *War* in *India*, by *Richard Owen Cambridge*, Esquire. 4to. 1761. page 226.

† The revenue appropriated by the Mogul for maintenance of a fleet at Surat.

they

they always proved unſucceſsful, yet they kept the country in troubles for about three years; during which time he made ſeveral other offers to the Engliſh of *carte blanche*, as appears in a letter from Governor Holwell *, who ſucceeded Colonel Clive in Bengal, dated Calcutta, the 14th June 1760, directed to the then Commander of the army. He was diſtreſſed and harraſſed to ſuch a degree during theſe campaigns, that on the 8th of February 1761, he was obliged to ſurrender himſelf to the Commander of the Britiſh forces, then Major Carnac, at Goyah, in the province of Bahár. During his intercourſe with the Engliſh, having received advices from Dehly of the aſſaſſination of his father Allum Gueer, he made them various offers, and repeated his propoſals to induce them to join him in his favourite ſcheme of obtaining the throne of Dehly; but finding that the Engliſh would do nothing for him, except the farce of their proclaiming him EMPEROR *at Patna*, he was neceſſitated to ſeek ſome other refuge; and therefore, about the 21ſt June 1761, he took his leave of the Engliſh, and that day quitted the Bahár province. But he afterwards had recourſe again to the Nabôb Sujah al Dowlah, who upon this ſecond viſit, confined him and kept him a cloſe priſoner, making the ſame tool of him as Gazi al Deen, the Marahtahs and Abdalla reſpectively had done before of the other Princes of the blood.

About the end of the year 1763, the Engliſh having expelled Coſſim Ally Khawn from the ſubahdâry of Bengal, that Nabôb had retired with his treaſure and ſome of his adherents into the dominions of Sujah al Dowlah, whom he at length perſuaded to join him in an attempt to recover his loſt ſûbahſhip. Accordingly, in the month of February 1764, Sujah al Dowlah came down with a conſiderable force into the province of Bahár, and brought our Prince Ally Gohár with him. The Engliſh army, then under the command of Major Hector Munro, met them at Bûxar, and on the 23d October 1764, after a very obſtinate battle, defeated and purſued Sujah al Dowlah into his own dominions. In his flight he left the Prince behind him, who once more threw himſelf on the Engliſh for protection.

The Engliſh Eaſt India Company from this period became poſſeſſed of Our Prince, and they did not any longer neglect to profit by the many examples before them, of making a proper uſe of him. It was

* See Mr. HOLWELL's LETTER to MAJOR CAILLAUD.—*India Tracts*, page 52.—" The ſituation of the Prince at preſent is ſuch, that I am ſure he would readily and thankfully hearken to an " overture from us, and without heſitation grant a Firmaun appointing the Company perpetual ſubahdars of the province. His two Firmauns to me, as I before adviſed you, offered *Carte Blanche* for " the Company; and I dare ſay that to you was of the ſame tenor."

fortunate for him, from his having at this time no friends to whom he could have recourse with reliance for even mere personal safety, that there could be no necessity for his being actually confined in so abject a situation; nay his new guardians, who in every respect treated him with more kindness than those who had before had possession of him, even allowed him, while he continued in their camp, a certain sum for his daily subsistence. From this period we shall give this unfortunate man his newly acquired titles of "Emperor," "Grand Mogul," "Shah Allum the Invincible," or "King of the World."

The English were successful in totally expelling the Nabôb, Sujah al Dowlah, from his dominions; and while it was yet uncertain how they would dispose of his country, our Grand Mogul sent a petition to the President and Council at Bengal, which was transmitted to them by Major Hector Munro, dated from the camp at Banâras, the 22d November 1764, of the Company's translation of which, the following is an exact copy.

"If this country is to be kept, put me in possession of it, and leave "a small detachment of the troops with me, to shew that I am protected "by the English, and they shall be at my expence; that if any enemy "comes at any time against me, I will make such connections in the "country, that with my own troops, and the aforementioned small de-"tachment, will defend the country without any farther assistance from "the English; and *I will pay them of the revenues of the country what* "*sum they shall demand yearly*. If the English will, contrary to their in-"terest, make peace with the Vizier *, I will go to Dehly; for I can-"not think of returning again into the hands of a man who has used "me so ill. I have no friends I depend on more than the English; "their former behaviour to me will make me ever respect and regard "them: now is their time to be in possession of a country abounding "with riches and treasure; *I shall be satisfied with whatever share they* "*please of it*. The Rohillas were always enemies to the imperious Vi-"zier: they are all my friends."

The President and Council of Calcutta having considered the Emperor's petition, resolved that they would keep a part of Sujah al Dowlah's dominions for the use of the East India Company, and put his Majesty in possession of all the rest. Accordingly a paper was drawn up, dated ——— December 1761, and sent up to Major Hector Munro, Com-

* This means Sujah al Dowlah, who, whilst he had our Grand Mogul in his possession, had created himself Vizier.

mander in Chief of the army, with orders for him to get it executed by his Majesty. The following is an exact copy of their translation of this paper from the Persian.

"In consideration of the assistance and fidelity of the English Com-
"pany, which has freed us from the inconveniencies we laboured un-
"der, and strengthened the foundations of the empire which God has
"given us, we have been graciously pleased to grant to the English
"Company our royal favours, according to the following articles,
"which shall remain firm, both at present and in future.

"As the English Company have been put to a great expence, and
"their affairs exposed to danger by the war with the Nabôb, Sujah al
"Dowlah, unjustly and *contrary to our royal pleasure* waged against
"them, we have, therefore, assigned to them the country of Ghazipore
"and the rest of the Zemindáry of Bulwant Sing, belonging to the Ni-
"zâmut of the Nabôb Sujâh al Dowlah; and the regulation and go-
"vernment thereof we have given to their disposal, in the same man-
"ner as it was in the Nabôb Sujah al Dowlah's. The aforesaid Râjah,
"having settled terms with the Chiefs of the English Company, is ac-
"cording thereto to pay the revenues to the Company; and the amount
"shall not belong to the books of the royal revenue, but shall be ex-
"punged from them. The army of the English Company having
"joined our standard, shall put us in possession of Illahabâd and the
"rest of the countries belonging to the Nizâmut of the Nabôb Sujah
"al Dowlah, and the revenues, excepting those of Râjah Bulwant Sing's
"Zemindáry, shall be in our entire management and disposal.

"As the English Company will be at a farther expence in putting us
"in possession of Illahabâd, and the rest of the Nizâmut of the Nabôb
"Sujah al Dowlah, we will therefore, as we get possession, *grant to*
"*them, out of our treasury*, such a proportion of the revenues as the exi-
"gencies of our affairs will admit of; and when we are put in full
"possession, we will reimburse the whole expences of the Company in
"this business, from the time of their joining our royal standard."

His Majesty, as might be expected, very readily agreed to the contents of this paper; and accordingly, a few days after the receipt of it, that is, on the 29th December 1764, his imperial sunnud, or firmaun * was issued, confirming the same. In consequence of this agreement, his Majesty was put in possession of Illahabâd and all the Sûbaship of Owd, excepting the Râjahship, or Zemindáry of Bulwant Sing, at whose principal city of Banâras a factory was established by the Governor and

* See this firmaun at large in the Appendix N° XIV. page 21.

Council

Council for the collection of the revenues, which were latterly fixed at twenty lacks *, or about 250,000 l. sterling *per annum*.

Before the advices of this successful situation of the Company's affairs could be received in England, the East India Company were greatly alarmed, and had appointed the Right Honourable Robert Lord Clive, as Governor and Commander in Chief, together with a Select Committee, who were sent from England, furnished with ample powers to pursue whatever means they should think proper to establish the peace and tranquillity of Bengal. Upon his Lordship's arrival in Bengal, on the 3d of May 1765, he actually found the general affairs of the Company, and of the settlements at Bengal in particular, in a more flourishing state than they had ever been known; and that, in fact, there was nothing in the general out-lines of government for him and his Committee to do, from which either reputation or just emolument could be reaped, unless they cut out work for themselves. They, therefore, resolved upon abolishing the treaties then subsisting, which had been but lately entered into; and to model the commercial as well as political affairs of the Company upon an entire new plan †. Their motives for this alteration, which the Company will ever have reason to lament ‡, cannot with propriety be fully considered in this place: suffice it that we relate those particular circumstances which materially affected the affairs of the Prince of whom we are speaking at present.

Among the alterations determined upon, this prince was to be deprived of that part of the Nizâmut of the Nabôb Sujah al Dowlah with which he had already been invested by a solemn treaty, and the Company was to give up the Zemindáry of Bulwant Sing, all of which were to be restored to the said Nabôb, against whose wealth, as Mr. Dow ‖ justly observes, the virtue of some of our revolutionists was by no means proof, upon his paying to the Company the sum of fifty lacks of rupees, or about 625,000 l. sterling. Our Grand Mogul was likewise to be supposed to have been actually in possession of the provinces of Bengal: under which supposition, he was to give a paper granting to the Company, not only the office of the Dewannee § of those provinces, but the

* This Zemindáry actually yielded to the Rájah at least seventy-five lacks, or about 937,500 l. sterling.

† See a comparative view of the different treaties in our sixth chapter.

‡ It was this alteration of the Company's affairs, and the consequences of it, which laid the foundation of all the enquiries and publications that have since laid open their affairs, which subjected them to the hush-money they now pay to the government, and which in its further consequences will most probably put an end, if not to the Company itself, at least to the present system of its affairs, as indeed is now become highly necessary.

‖ Dow's HINDOSTAN, *Appendix*, page 78.

§ This *Dewannee* is explained at large in the 4th chapter.

revenues

revenues also; by which of course, all the treaties with the Nabôbs of Bengal were rendered void, and new ones made necessary. He was likewise to confirm to the Company the lands before granted to them by the former Nabôbs, Jaffier Ally and Cossim Ally Khawn, and to confirm Lord Clive's jagueer. For all which our Mogul was to be paid, by the English Company, from Bengal, the annual sum of twenty-six lacks for his expences and the support of his dignity: and he was to be continued in the possession of Corra and part of the province of Illahabâd.

The Select Committee at Calcutta had not the least doubt of *his Majesty's* complying with all this very readily; because, as they expressed "it *, *The King is now dependent on our bounty*, his whole hopes of *pro-*" *tection, and even of subsistence*, rest upon us; it cannot, therefore, be "supposed he will prove obstinate in denying a request, of little con-" sequence to him *in his present circumstances*, but advantageous to us, "his greatest benefactors, and we may say his only friends."

These were not all the uses which, upon this occasion, were to be made of our GRAND MOGUL. Upon the same principles as before, sunnuds for the provinces of Sicacole, &c. in the Déckhan, valued at the yearly revenue of thirty lacks, or 375,000 l. sterling, were to be obtained also; in which Lord Clive was resolved to succeed, as he informed his Select Committee, at Calcutta, in the following words, † "I have been desired by the President of Fort St. George to obtain "sunnuds for the five northern provinces, which, being a matter of "great importance, I shall make a point of succeeding in it; and as "*the Nabôb* (of Bengal) *intends* purchasing his Majesty's favours at the "price of five lacks of rupees, I make no doubt that all the sunnuds "demanded on the Company's account will be *afforded gratis*."

To be sure there was not the least doubt to be entertained upon any of these occasions; for if the youngest writer in the service had been sent with the authority of the Company to our *Shah Allum*, it was certain that *his Majesty* would have *granted* away the remainder of *his empire, the whole world*, for the sake of a subsistence, and the security of his person: accordingly, the grants required of him were obtained under his *Imperial sunnuds, or firmauns*, as given in the Appendix, Numbers XVII, XVIII. XIX. XX. XXI. and XXII. pages 27 to 36.

The reader will please to observe, that this is the same Prince whom the same Governor, then Colonel Clive, had before opposed, and even

* The words of their proceedings at a Committee of the 21st June 1765.

† LORD CLIVE's Letter to the Select Committee, dated, Mooteejill, the 9th July 1765.

chastised

chastised the rebellious Râjahs for daring to join him; the Prince whose súnnuds, firmauns, or grants, had on many former occasions been declared absolutely invalid *, against whom a formal treaty † had been entered into, between the Company and the Nabôb of Bengal, on the 27th September 1760, and whose pretensions even the Directors ‡ of the East India Company themselves had acknowledged to be extremely doubtful.

The dependence, however, of this unfortunate Prince was not to be appropriated to these public uses only. If we may believe the accounts from India, many others of a more private nature were likewise made of him; and it is said, with the greatest appearance of truth, that he was not left to the free management of even those districts and the stipend which were ultimately allotted to him; nor of his mints or his servants. As such matters would be proper objects of enquiry for Supervisors, it should be hoped, that the Directors will, for their own honour and the sake of justice, cause such an enquiry yet to be made, in order that their servants, if any of them have grossly abused the authority of their stations, may be made to suffer such punishments as they deserve.

Upon the whole of what has been set forth in this chapter, it may fairly be pronounced, on the most rational grounds, that in reality there has not been for some years past, nor is at this time, any Grand Mogul, or Emperor; that the whole country is in a state of anarchy, where there is no law, but that of the longest sword, and that we may agree with Mr. Dow, who says, with apparent truth on this subject, ‖ "that Hindostân is at present torn to pieces "by factions. All laws divine and human are trampled under foot. "Instead of one tyrant, as in the times of the empire, the country now groans under thousands, and the voice of the oppressed "multitude reaches heaven. It would, therefore, be promoting the "cause of justice and humanity to pull those petty tyrants from the "height to which their villanies have raised them, and to give to so "many millions of mankind a government founded upon the principles "of virtue and justice."

* In a minute of Governor Vansittart, Colonel Caillaud and other gentlemen of the Council at Bengal, entered on the consultations, under date of the *12th January* 1761, it is said, "As to the "*Mogul's firmaun*, there was a time when the orders of Dehly had some weight at Bengal, but that "time is no more. It is hard to say who is King at Dehly, or who will be."

† See the 10th article of the treaty, N° VIII. in the Appendix, page 13.

‡ General letter to Bengal, dated 19th February 1766.

‖ Dow's HINDOSTAN. Appendix, page 36.

As to the unfortunate, though very generous Prince §, who is more particularly the object of our present consideration, and whom we now call THE GRAND MOGUL, we see him dependent for his subsistence upon the servants, in fact, of an incorporated society of English merchants, who have raised him to that exalted title for the serving of their own purposes; that he is made no other than their tool, and must, from necessity, be what they please to make him, at least while he continues among them, and the government of that country remains on the present iniquitous footing.

§ Amidst all his misfortunes this Prince has given several instances of great generosity, particularly to the members of the Secret Committee, for their distinguished merit and disinterested services. One instance may be seen in Lord Clive's letter to the Court of Directors, of the 30th of September 1765, where it appears his Imperial Majesty had presented General Carnac with two lacks of rupees: See *Authentic Papers* concerning India Affairs, pages 9 and 10.—And another instance was given in the year 1767, when his Majesty likewise presented Colonel Richard Smith with two lacks more; as appears from the following minute of the Council at Calcutta.

At a consultation, held the 14th September 1767, present, Harry Verelst, Esquire, President, John Cartier, Richard Becher, James Alexander, William Aldersey, Charles Ffloyer, and Alexander Campbell, Esquires.

" Received a letter from Colonel Richard Smith at Illahabâd, dated the 15th *ultimo*, in answer to " the Board's letter, dated the 20th July, on the subject of the two lacks of rupees, he requested " their permission to receive it as a gratuity from the King; offering several arguments to our consi- " deration, and acquainting us with HIS MAJESTY's absolute *refusal* to receive back the *Teep* he had " granted: therefore inclosing it for us to dispose of, as might seem most equitable."——The late Nabôbs of Bengal have likewise, though distressed, given frequent instances of the like grateful generosity to their benefactors.

CHAP. IV.

ON the NATURE of the OFFICE called DEWANNEE, and the Motives for the EAST INDIA COMPANY's pretending to hold the TERRITORIES in BENGAL under that TITLE.

NOTHING could have been better calculated for a blind than this hard word Dewannee, which, while it served our Eastern politicians to amuse even the British legislature, was no other than the name of an office that in reality had not existed for many years past. In order to form the most impartial judgment of what it is, or rather was, we will have recourse to the information of those gentlemen who, having acted capital parts in the management of the affairs of Bengal, may naturally be supposed to be well acquainted with the matter.

Mr. Vansittart, late Governor and intended Supervisor of Bengal, tells us, the Dewannee * is the office of the *second* † officer of the province, called Dewân; whose business it is to superintend the lands and collections; that he is appointed *from the court of Dehly*, and is in every respect independent of the Názim, or Nabôb; who, *according to the original institution of the empire, has no right to interfere in the management of the revenues.*

As explained in a letter ‡ to the Court of India Directors, dated Calcutta, the 11th March 1762, from sundry members of their then Council in Bengal, the Dewannee is said to be "The collection of the revenues of all the provinces subject to the Nabôb, which are to be accounted for with the court of Dehly. It differs from the Subahdâree; the latter being the command of the troops, and the charge of the jurisdiction in the provinces, the expences whereof are paid out of the revenues by the Dewân. It was formerly a separate office; but the Nabôbs of Bengal, taking advantage of the late commotions in the empire, *have assumed it to themselves.*"

Mr. Holwell, also formerly Governor in Bengal, tells us, upon the subject of the Dewannee ‖, that "the rents of the lands are *the property of the Emperor*. In consequence of which he has a royal Dewân in every Nabôbship, who ought to be accountable to the royal treasury for the whole amount of the rents, as rated upon the King's books: but as there is always a good understanding between the Dewân and the Nabôb, they never are at a loss in pretending reasons for the rents falling short, though the whole is strictly and fully collected. What is diverted from the royal treasury, is divided between the Dewân and the Nabôb, of which the latter always takes the lion's share."

On another occasion the Dewannee is explained to be, "The collecting § of all the revenues; and after defraying the expences of the army, and allowing a sufficient fund for the support of the Nizâmut, *to remit the remainder to Dehly, or wherever the King shall reside or direct.*"

This Dewannee, which was assumed by the said Right Honourable Lord Clive and his Select Committee, a little while before the writing

* VANSITTART's NARRATIVE, Vol. I. Explanation, page 23, and Introduction, page 4.

† The Vizier is the first.

‡ See the 27th paragraph of a *Letter* signed *Eyre Coote, Peter Amyatt, John Carnac, William Ellis, Stanlake Batson*, and *Harry Verelst*, in HOLWELL's Tracts, page 92.

‖ HISTORICAL EVENTS, Part I. page 220.

§ Paragraph 22d of a *Letter* from the SELECT COMMITTEE in BENGAL, dated 30th September 1765, signed, *Clive, William Brightwell Sumner, John Carnac, Harry Verelst*, and *Francis Sykes*. AUTHENTIC PAPERS, page 83.

of

of the letter last quoted, had been long before repeatedly offered to the Company, as hath been shewn in the preceding chapter, but was always rejected. The words of the Court of East India Directors, as contained in a letter on this subject to their then Governor and Council at Calcutta, were these; * "Your refusal of the Dewannee of Bengal, "offered by *the King*" (meaning our Prince Ally Gohár) "was certainly "very right; and we are well satisfied with the just and prudent reasons "you give for declining that offer."

The reasons for not taking it were then alledged to be, that it would be the source of continual disputes with the Nabôb, by occasioning too great a diminution of his power, be a continual cause of jealousy and contention with the country powers, and the European nations who had settlements in Bengal, might subject the affairs of the Company to the interference of the British legislature, or in the end might be attended with other consequences highly prejudicial to the interests of the Company.

To investigate in this place all the private reasons which occasioned this Dewannee's being thus assumed by Lord Clive and his Select Committee, would be foreign to the purpose here intended: but of those publicly avowed or alledged in the aforesaid letter, from Lord Clive and his Committee, of the 30th September 1765, we will briefly take notice.

"The perpetual struggles for superiority between the Nabôbs and "your agents, together with the recent proofs before us, of notorious "and avowed corruption, have rendered us unanimously of opinion, "after the most mature deliberation, that no other method could be "suggested of laying the axe to the root of all those evils, than that "of obtaining the Dewannee of Bengal, Bahár and Orissa for the Com-"pany †."

"By this *acquisition* of the Dewannee, your possessions and influence "are rendered permanent and secure; since *no future Nabôb will either* "*have power* or riches sufficient to attempt your overthrow by means "either of force or corruption. The experience of years has convinced "us, that *a division of power is impossible*, without generating discon-"tent, and hazarding the whole. All must belong either to the Com-"pany or to the Nabôb; and we leave you to judge which alternative "is the most desirable, and the most expedient in the present circum-"stances ‡."

* Paragraph 55th of a GENERAL LETTER, dated 9th March 1763.
† Part of paragraph 22d, page 82 of AUTHENTIC PAPERS.
‡ Part of paragraph 23d. Pages 84 and 85 of AUTHENTIC PAPERS.

 "In

In a separate letter from the said Right Honourable Lord Clive to the said Directors, also dated the 30th September 1765, the motives for this scheme of assuming the Dewannee are farther explained, in the following words. "Though *the revenues belong to the Company*, yet were the "Company's officers to be the collectors, foreign nations would immediately take umbrage; and complaints preferred to the British "court might be attended with very embarrassing consequences. Nor "can it be supposed, that either the French, Dutch, or Danes will ac-"knowledge the English Company Nabôb of Bengal, and pay into the "hands of their servants the duties upon trade, or the quit-rent of those "districts which they have for many years possessed by virtue of the "royal firmauns, or by grants from former Nabôbs *." And again: "In considering the subject of the Dewannee, and the consequences "of your large increase of revenues, I have already observed, that our "acquisition will give no umbrage to foreign nations with respect to "*our territorial jurisdiction, so long as the present* APPEARANCE *of the* "*Nabôb's power is preserved* †."

Lord Clive and his Select Committee, in their letter to the Court of Directors, of the 30th September 1765, before quoted, speak still more plainly, if possible, of the difference in the Company's situation from the taking the Dewannee. Their express words are in the 29th paragraph. "*You are now become the Sovereigns of a rich and potent king-*"*dom* ‡." And in the 38th paragraph. "*You are now not only the* "*collectors, but the proprietors*;" meaning of the revenues of *the Nabôb's dominions*.

Among the many private motives hinted at for this manœuvre, we cannot conclude on this head, without taking notice, that a principal one was, to enable the gentlemen who planned and adopted this mode of government, to *establish such monoplies of the trade of the country, and even of the common necessaries of life,* FOR THEIR OWN PRIVATE EMOLUMENT, *and to the subversion of the natural rights of all mankind,* as to this day remain unparalleled in the history of any government, and of which we shall treat more particularly hereafter.

From what has already been said, we presume it will appear evident to every impartial person, that the DEWANNEE, whatever it had been, was an office which, when assumed, had no existence; the grant of it being received, or pretended to be received, from a Prince who, in fact, never had it in his gift; whose authority, on other similar occasions,

* Paragraph 12th, *ad finem*. AUTHENTIC PAPERS, page 26.
† Paragraph 14th. AUTHENTIC PAPERS, page 28.
‡ AUTHENTIC PAPERS, pages 92 and 103.

had

had been publicly and wholly disavowed by the present receivers of the grant; and that the whole was a mere fiction, invented for the private purposes of the Company or Directors, and their servants or confederates: and to screen their seizing on the sovereignty of the country, by imposing upon and deceiving, if they could, not only the inhabitants of India and foreigners, but even the British nation; as we hope farther to prove by the corroborating facts contained in every subsequent part of this work.

CHAP. V.

Of the NABOB, otherwise called The NAZIM, or SUBAHDAR, of BENGAL.

FOR the better understanding of our subject, we will examine what this officer ought to be, according to the ancient institutions of the empire; what he has been for some years past, and what he now actually is; supporting what we advance by sufficient testimonies.

" Though by the ancient constitution of the Mogul empire, of which " the provinces of Bengal, Bahár and Orissa are parts, the Nabôb, or " Subahdár of those provinces was nothing more than the Mogul's " Viceroy, yet for many years past, as the strength of that constitution " has been gradually declining, the Subahdârs of these and other pro" vinces have been, in like gradation, assuming an independence of " the court of Dehly: and the shock which the empire received, or " *rather the subversion of it* (for it has never recovered, nor probably " ever will, from the irruption of the Persians under Nader Shah) has " so far confirmed that independence, that the relation between the " Nabôb and the Mogul is at present *little more than nominal* *."

Mr. Vansittart informs us, that " The Nabôb †, as he is usually termed, " or properly the Názim of a province, is an officer of the Mogul go" vernment, appointed to superintend the affairs of the province, dur" ing the pleasure of the court. This commission extends *not even to* " *the life of the possessor*; and in the early times of the empire it was

* See pages 21 and 22 of a MEMORIAL to the KING's Most EXCELLENT MAJESTY. Dated the 3d February 1762; from the *Court* of *East India Directors*. Signed by *Laurence Sullivan*, Chairman; *Thomas Rous*, Deputy, and *Eighteen Directors*. Printed for J. Brotherton, Cornhill.

† VANSITTART's NARRATIVE, Vol. I. p. 4.

" usual

" usual to make frequent removals *; to prevent the dangerous effects
" of an increasing influence. Neither, according to the original insti-
" tution, has he any right to interfere *in the management of the reve-
" nues;* which branch belongs to another officer called The Dewân" (of
whose office we have treated in the preceding chapter) " appointed also
" by the court, and in every respect independent of the Názim. It is
" true, that since the authority of the Emperors began to decline, the
" Názims, taking advantage of the distractions of the state, have ge-
" nerally established themselves in such a degree of independency as to
" pay little more than a nominal obedience to the court. The forms
" are still kept up; but they serve only to shew what was the original
" institution. Upon the death of a Názim, the succession, whether
" continued in the same family, or seized by a stranger, is not consi-
" dered as valid till confirmed by the imperial patent; but this the
" actual possessor finds no difficulty in obtaining †."

Such have been the Nabôbs of Bengal since the decline, or rather, as the East India Directors more properly say, " the subversion of the em-" pire," according to the above quotations. But had those gentlemen boldly told the whole truth, they might have justly said, that since the period they refer to, the Nizâmut or Nabôbship of Bengal has, to this day, been continually possessed by usurpers and tyrants, who have been maintained therein by violence, fraud and murder.

Upon the demise of *the last lawful Nabôb, Sujah Khawn* ‖, in the year 1739, his son Serfraz Khawn took possession of this government, and maintained himself in it for about three years, until the rebellion of Allaverdy Khawn; who was then Governor of the Bahár province. This man, who had formerly been Sujah Khawn's Hookáhburdár, or

* *Mr. Orme* tells us, there was a time when these changes were so frequent, that a new Nabôb left Dehly, riding, contrary to the usual manner, with his back turned to the head of his elephant, and gave as a reason for it, " that he was looking out for his successor." See ORME's HINDOSTAN, Dissertation, page 28.

† This alludes to a farce commonly practised since the subversion of the empire, of obtaining patents from these nominal Moguls who have been set up by the different usurpers at Dehly, of whom we have treated in our third chapter. In these times, a sum of money dispersed among the principal people about those usurpers would obtain the confirmation of any sunnud, grant, or office. It was receiving so much clear gain for a supposed gift of what was not in the giver's possession, and by which he could lose nothing. A striking instance of this mode of negotiation is given by Mr. Vansittart, in the third volume of his Narrative, page 418; where an intriguing Dewân, or minister of the Nabôb's, named Nundcomar, obtains his own titles and seals before his master, Meer Jaffier, receives any assurances whatever of the *royal appointment* to the Nabôbship. Since Mr. Vansittart's government, the *Grand Mogul*'s grants of that sort are become still cheaper; the domestic black servants of many gentlemen in the service of the English East India Company having been by him created Rájahs, or Princes; and many English gentlemen have returned to Europe with the title of Omrahs.

‖ VANSITTART's NARRATIVE, Vol. I. page 5.

pipe-bearer *, after promoting an unparalleled scene of treachery among the perfidious servants of his master, defeated him in a battle fought on the 28th January 1741-2, in which the Nabôb lost his life.

From that period the traitor usurped the government of Bengal, and maintained himself in it against the repeated invasions of the Marahtahs, (which lasted for about eight years to the great destruction of the country and its manufactories) till, on the 10th of April 1756 †, he died a natural death.

This usurper was succeeded by his brother's grandson, the Tyrant Serajah al Dowlah, who, upon disputes with the English East India Company's servants, circumstantially related by Mr. Holwell and others, dispossessed them of all their factories, and on the 20th June 1756 seized and sacked their town and fort of Calcutta, or Fort William, when such of the English and their dependents as escaped the tyrant's fury took refuge on board the trading vessels then in the river, and dropped down to Fultah, where they led a most miserable life till December 1756, when the English squadron, under the command of Admiral Watson, and the troops under Lieutenant Colonel Robert Clive, arrived from the Coast of Coromandel. Inconsiderable as this force was, they gallantly proceeded to the re-taking of Calcutta, and on the 3d January 1757, happily accomplished the work, with scarce any loss; the enemy abandoning the fort on the very first ‡ summons from the guns of his Majesty's ships, when brought up abreast of the Fort.

The Nabôb Serajah al Dowlah came down to oppose the English, who by unparalleled instances of bravery and intrepidity, attended with the most extraordinary good fortune, baffled him in all his attempts, and forced him, with his numerous army, to retire to his capital of Murshedabâd; having first, that is on the 9th of February 1757, obliged him to make a very advantageous treaty with them, wherein he confirmed all the former possessions and immunities of the Company, and granted them several new privileges, as may be seen by the treaty at large, and his Perwânahs, in the Appendix, Nos I. and II. pages 1 and 3, &c.

This was the first formal treaty that our Company had ever entered into with any Nabôb of Bengal. It was solemnly ratified in the strongest manner, the Nabôb swearing on the Korân, by God and Ma-

* Scrafton's Reflections, page 31.
† Scrafton's Reflections, page 50.
‡ Ditto, page 60.

homed,

homed, and Colonel Clive pledging the names of God and our Saviour faithfully to obſerve the ſame.

Neceſſity ‡, which in *politics* uſually ſuperſedes all oaths, treaties, or forms whatever, induced the Engliſh East India Company's repreſentatives, about *four months* after the execution of the former treaty, to determine, " *by the bleſſing of God,*" upon diſpoſſeſſing the Nabôb Serajah al Dowlah of his Nizâmut, and giving it to another.

Monſieur Dupleix, the French Governor of Pondicherry, who " was " the § firſt diſcoverer of the ſuperiority of European diſcipline" over the natives of this part of India, had already, with his ſucceſſes on the coaſt of Coromandel, invented the traffic in Nabôbſhips. Accordingly Meer Jaffier Ally Khawn, who had been a Jammadár, or commander of a party of horſe under the late Allaverdy Khawn, and was now a General ‖, and related to the preſent Nabôb by marriage with Allaverdy's ſiſter, having before manifeſted a bold and traiterous diſpoſition, was the man pitched upon for our new Nabôb.

The particulars of this revolution are well known. The Nabôb Serajah al Dowlah, betrayed by his ſervant Jaffier, was, with his numerous army of " 20,000 † *horſe, 50,000 foot, and 50 pieces of heavy cannon,*" beat on the plains of Plaſſey, on the 23d June 1757, by a handful of men under the command of Colonel Clive, and the Nabôb himſelf obliged to eſcape in diſguiſe. Happy it was for us that this numerous army made ſo little reſiſtance that, according to Mr. Scrafton, we had " only *ſeventy men killed and wounded.*"

In conſequence of this victory, and the conditions which had been previouſly ſtipulated with Meer Jaffier, on the 29th June 1757, he was by * Colonel Clive formally placed on the múſnud or *throne* of the Nabôbs

‡ About this period the Engliſh at Calcutta received news of war's being declared againſt France; and they at the ſame time diſcovered, that the French were ſecretly negociating with the Nabôb Serajah al Dowlah. It was thereupon reſolved to ſet aſide a neutrality with the French which had been propoſed, and to attack their ſettlements immediately, a reſolution no ſooner taken than luckily executed. While the Nabôb was artfully amuſed, a ſquadron of his Majeſty's ſhips, under the commands of Admirals Watſon and Pocock, with the Company's troops under the commands of Colonel Clive, inveſted Chandernagore, the principal ſettlement of the French in Bengal, which, on the 23d March 1757, they took, after a few hours cannonading from our ſhips, and afterwards razed their town and fortifications level with the ground.

§ See A LETTER to the PROPRIETORS of EAST INDIA STOCK, from LORD CLIVE. Page 4, printed for J. Nourſe, 1764.

‖ See *Mr. Scrafton's* character of " Meer Jaffier," in a *Letter* to the *Proprietors* of *Eaſt India Stock*, from *Mr. Henry Vanſittart*. Page 44, &c. printed for J. Newbery, 1767.—And Mr. *Scrafton's Reflections*. Page 75, &c.

† SCRAFTON'S REFLECTIONS. Page 85 to 88.

* SCRAFTON'S REFLECTIONS. Page 93.

bôbs of Bengal, at Murshedabâd. A treaty *, confirmed as usual by the oaths of the contracting parties, was also entered into between him and the English Company, whereby he not only confirmed all their former possessions and privileges, and the treaty lately made with his predecessor, but granted also several considerable new privileges and territories, besides paying immense sums of ready money, both to the Company and to individuals, as may be seen by the copies of the treaty and subsequent agreements at large in our Appendix, N° III. to VII. pages 5 to 10.

In the mean time, the expelled Nabôb Serajah al Dowlah was discovered on his flight at Ragemahl, seized, and sent down by Meer Jaffier's brother to the city of Murshedabâd, on the 4th July 1757, where he was † privately murdered by order of our new Nabôb.

This was the first Názim, or Nabôb created in Bengal by the English, who, after their recent and repeated successes against the late Nabôb, the French, and the ‡ Dutch, had acquired so great a reputation, and spread such terror through the country, that there is no doubt they might with ease have marched to Dehly. Revolutions were now become a trade, or at least a fund to supply the exigencies of the English East India Company and their substitutes: Meer Jaffier was soon judged to be incapable, and not a proper person to hold the government that

* It was on this revolution that Colonel, now Lord Clive was *created* or "made an Omrah" *of the Empire by Meer Jaffier*, who had just before received his Nabôbship from the Colonel's hands. See his *Lordship's Letter* to the *Proprietors of East India Stock*, page 35, printed for J. Nourse, 1764, and Mr. *Scrafton's Reflections*, page 91, &c.

For form's sake, the farce of a Mogul's Firmaun, already mentioned in our note page 38, was to be exhibited; and as there was in fact no real Emperor to grant it, application was made at Dehly for the seal of Allum Gueer, the prince who was taken out of prison, set up, and afterwards murdered by Gazi al Deen Khawn, and whose Firmauns to his son Ally Gohár, at another time, Colonel Clive was so far from admitting, that he marched to chastise the rebellious adherents of that prince upon the occasion. By virtue of this title of Omrah, conferred on him by his own Nabôb, Colonel Clive *was supposed* to maintain 6000 horse, for the support of which *the said Nabôb* "made him a Jagueerdár," (see Lord Clive's Letter, page 34) "or Lord of the lands" *ceded* by the before-mentioned treaty *to the English Company*, upon which the well-known yearly income, called *Jagueer*, of near 30,000 l. sterling, was acquired by the Colonel.

† SCRAFTON'S REFLECTIONS, page 94.

‡ The Dutch of Bengal seeing the uses which on all hands were made of Moguls and Nabôbs in this distracted state of the country, from the superiority of European discipline, formed in their turn the design of trying their fortune in the same way. The project was sent from the Dutch settlement of Chinsurah in Bengal, and adopted by the government of Batavia. According to which, upon a well concerted but badly executed plan, a formidable body of European and Malay troops, with seven ships, were, towards the end of the year 1759, imported into Bengal, but were defeated in their attempts by a bravery which will ever do honour to the English; upon which the Dutch were obliged to accede with disgrace to very disadvantageous articles of accommodation with the English and their Nabôb, and to take their troops back again. The particulars of this affair may be seen at large in the English and Dutch memorials, printed 1762, for J. Brotherton in Cornhill.

had been entrusted to him; which, together with the low state * of the Company's finances, and other objects of the like *political necessity*, made another revolution requisite before the expiration of three years and four months.

Upon this foundation it was determined to depose Meer Jaffier; and a treaty was accordingly entered into, *in the name of God*, with Meer Cossim Ally Khawn, who had married Meer Jaffier's daughter. Meer Jaffier was displaced without any commotion or bloodshed, and Meer Cossim, though distinguished at first with the title only of Naib or Deputy-Nabôb, was raised to the Nizâmut of Bengal, independent of his father-in-law, who was brought down to the English settlement at Calcutta, and had a monthly stipend allowed him there for his subsistence.

The treaty entered into with this new Nabôb was dated the 27th September 1760, in which, besides other advantageous stipulations, Súnnuds or patents were given, granting to the English East India Company, to defray their expences and pay their troops, the lands of Burdwân, Midnipore and Chittigong, yielding a clear annual revenue of about 600,000 l. sterling, And it was particularly stipulated, by the 10th article of this treaty, that the Prince Ally Gohár, the Grand Mogul mentioned in our third chapter, "should not be suffered to get any "footing in the country," as may be seen by the copy of the treaty, N° VIII. and the Súnnuds, N° IX. in the annexed Appendix, pages 11 and 13.

The Nabôb Meer Cossim soon convinced the English that they had been deceived in their opinion of him. He was found to aim at an independency, which of course was esteemed by no means consistent with the Company's interest; and in other respects he became so troublesome, that before the expiration of three years from his elevation to the government, it was thought expedient to remove him: a measure which was not now in any respect so easy to execute as in the time of his predecessor. War therefore was formally declared on the 7th July 1763 †, and the English resolved on the reinstatement of Meer Jaffier, to which they were in some degree instigated by the hope of strengthening their party with the adherents to, or partizans of that Nabôb, who also took the field with them for that purpose, a treaty being previously entered into which was to take effect upon the defeating and expelling of his adversary.

* See VANSITTART's NARRATIVE, Vol. I.
† Ibid. Vol. III. page 329.

Meer

Meer Cossim's troops being well paid, disciplined, and accoutred, fought with great intrepidity; and had not his subordinate commanders proved deficient in personal courage, or even had he himself had the bravery to animate his troops properly by his own presence in the field, it is more than probable that the English Company would have been left, from that day, without a single foot of ground in those provinces. The success of the war was for some time so uncertain, that (contrary to all former practice) the writers and other young persons in the civil service of the Company were all accoutred, disciplined and formed into a military corps; but by the blessing of God the issue of the battle of Gareea, wherein it was long doubtful which side would prevail, did at last turn in favour of the English, after the campaign had lasted about five months.

Meer Cossim fled, and was pursued from place to place, till he was at length totally driven out of his dominions, and forced to take refuge with the neighbouring Nabôb, Sujah al Dowlah; upon which Meer Jaffier Ally Khawn was reinstated in his government.

By the treaty which was previously entered into with Meer Jaffier, on the 10th July 1763, and the subsequent agreement of the 16th September 1764, as in the Appendix N° X. and XI. pages 15 and 17, the reader will see, that all former rights and privileges were secured, and some considerable additional advantages were obtained by the English upon every revolution. The Nabôb, as may naturally be imagined, after these transactions was as much dependent upon the Governor and Council of Calcutta as could possibly be wished; even an officer of the Company's, as stipulated for in the 7th article of the treaty, was from that time stationed with him, under the denomination of the Company's Resident, on the view not only of being a watch and check upon the Nabôb's transactions, but also to enforce the execution of any business the Governor and Council might think proper to resolve on.

Meer Jaffier did not continue long in his new station, having died on the 5th February 1765: and it was thereupon thought necessary, by the Governor and Council at Calcutta, to make such new arrangements for the management of all business at Murshedabâd as might serve to render future Nabôbs still more dependent, and consequently the Company more secure; for the execution of which design four gentlemen of the Council at Calcutta were appointed a deputation, who had directions not to fix the Nabôb in the Músnud till he had agreed to their requisitions. The person fixed on for this nominal government was Najim al Dowlah, Meer Jaffier's eldest son; a youth then of about eighteen years of age. He was denied the liberty of advising

with those ministers of his father, whom he was desirous of continuing in office, because they were suspected of having embezzled a great part of the revenues, and of not being favourable to the views of the Company; nay the principal minister was soon afterwards seized, by order of the Governor and Council, and sent prisoner to Calcutta; when the Nabôb found himself necessitated to appoint such other ministers and collectors as the English pointed out to him, so that an interregnum of several weeks * passed before the business was finally settled: during which period Najim al Dowlah saw himself actually reduced to the alternative, of either acceding to the arrangements proposed, or of relinquishing all thoughts of the Nabôbship. Those arrangements, with respect to the collection of the revenues, were indeed judiciously made; and well calculated to prevent, in part, the very gross embezzlements which had before been practised, to the amount of near a million and a half sterling per annum. The more that was saved to the Nabôb of the public money, the more remained, in fact, for the Company; but however proper such appointments might be, yet being totally repugnant to the inclination of the Nabôb, they serve to point out his entire dependence, which indeed nothing can shew in a clearer light than the treaty itself; by which the Nabôb was evidently deprived of his army, and the nomination of his ministers and officers of government. It was dated the 25th February 1765 (see the Appendix, N° XV. page 22); which every reader should attentively peruse, who wishes to form an adequate † judgment of so extraordinary and important a negociation.

Soon

* Notwithstanding much time passed in altercation, the treaty, when executed, was antedated to the 25th February 1765, being the very day on which the deputies arrived at Murshedabâd. See *J. Johnstone*'s Letter to the Proprietors of East India Stock, 1766, p. 17.

† Upon all these revolutions large sums of money were obtained by the persons who conducted them *from every new-made Nabôb*. In the midst of immense fortunes, suddenly acquired by these means, Lord Clive's stands the most conspicuous; who upon the making of Jaffier Ally Khawn, in 1757, obtained a jagueer of 30,000 l. per annum, exclusive of other immense presents. Upon the making of Najim al Dowlah, on Meer Jaffier's death, in 1765, the gentlemen deputed from Calcutta, upon that business, likewise received considerable presents; which Lord Clive and the Select Committee, who arrived at Calcutta soon after, greatly disapproved of, and set on foot a very severe enquiry into the conduct of the deputies on that occasion. In a Letter to the Proprietors of East India Stock, printed in the year 1766, p. 53, Mr. *John Johnstone*, who was chief of the deputation, in vindication of his own conduct, thus recriminates on his Lordship, who was the leader of those enquiries: "Did the Nabôb Jaffier Ally Khawn intend to give no more to Lieutenant Colonel Clive than barely "the sum of 280,000 rupees, as his equal share with Governor Drake, of the present of 23 lacks "to the Secret Committee, and 3 lacks, as his proportion of one-eighth as commander in chief, of "the donation of 25 lacks given to the army? The additional present he received at the same time, "over and above those two other shares, was reckoned at 25 lacks, above 300,000 pounds sterling; "and it is well known to be the general and established practice among the people of that country to "make such distinctions."

In

Soon after the execution of this treaty, as we have mentioned in our foregoing chapter ‡, arrived the Right Honourable Lord Clive, with some of the gentlemen appointed by the Court of Directors, to form a Select Committee, invested with unlimited powers (as they chose to interpret them) for managing the affairs of the Company. And though at this time the country was in perfect tranquillity, every enemy of the Company's actually subdued, and such agreements as were thought requisite for the Company's interest settled likewise with the Prince Shah Allum and the Râjah Bulwant Sing, yet these gentlemen resolved to undo all that had been done; and, as we have before observed, to new model the affairs of the Company: and, in order to effect the intended alterations, it was determined among them to proceed, as if no treaties had been settled, or peace had not existed in Bengal, with supposing the Prince, Shah Allum, then really in possession of the imperial crown of Hindostân, and the expelled Nabôb, Sujah al Dowlah, actually * Vizier of the empire, and finally, to invest themselves, as Plenipotentiaries, with full and ample powers, *on behalf of the Nabôb, Najim al Dowlah,* to do what they pleased.

The *Emperor* Shah Allum and the expelled *Nabôb* Sujah al Dowlah, to whom the objects in view were of no less importance than the former's being confirmed king of the world, and the latter's being restored to his lost dominions, readily agreed to every thing that was proposed by our Plenipotentiaries; and new agreements were also made and entered into, by which our Nabôb, Najim al Dowlah, very meekly lays down his Nabôbship, which the English take up, under the title of Dewannee, and he agrees to accept of the annual sum of sicca rupees, fifty-three lacks and eighty-six thousand (or about 673,266l. sterling) for the

In a Letter to the Proprietors of East India Stock, from Lord Clive, printed for J. Nourse, 1764, p. 17, his Lordship had before apologized for his receiving of those presents, upon his making the Nabôb Jaffier Ally Khawn, in the following words:

"The Nabôb, agreeable to the known and usual custom of Eastern Princes, made presents, both "to those of his own court, and to such of the English, who by their rank and abilities had been "instrumental in the happy success of so hazardous an enterprize, suitable to the rank and dignity "of a GREAT PRINCE. I was one amongst the many who benefited by his favour. I never sought "to conceal it, but declared publicly, in my letters to the Secret Committee of the India Directors, "that the Nabôb's generosity had made my fortune *easy*, and that the Company's welfare was now "my only motive for staying in India. What injustice was this to the Company? *They could "expect no more than what was stipulated in the treaty.* Or what injunction was I under to refuse "a present from him, who had the power to make me one, as the reward of *honourable services*? "I know of none."

‡ Lord Clive arrived at Calcutta the 3d May 1765.

* See the *Preamble* to the TREATY with *Sujah al Dowlah*, 16th August 1765, in the APPENDIX, N° XVII. p. 27.

support

support of his government. He also agrees to give the Emperor 26 lacks, or 325,000 l. per annum, for giving the Dewannee, or revenues of his Nabôbship to the English; who, in consideration of his Majesty's granting them this Dewannee, also engage to become *securities* for the Nabôb Najim al Dowlah's regularly paying that sum *to the Emperor*. The absurdity of these mock negociations will best appear by a reference to the treaties themselves; for which purpose, as well as for more clearly shewing the entire subjection of these Indian Princes, we must crave the reader's patience to turn to the Appendix, N° XVII. to XXIII. pages 27 to 37.

With respect to the relation which the English East India Company at present bears to the Nabôbs of Bengal, we cannot explain it in a better manner than Lord Clive has already done to the Directors of that Company, upon the subject of this Nabôb Najim al Dowlah, of whom we have been just speaking. His Lordship's words are these.

† "Considering the excesses we have of late years manifested in our "conduct, the Princes of Hindostân will not *readily imagine us capable* "*of moderation*, nor can we expect they will ever be attached to us by "any other motive than *fear*. Meer Jaffier Cossim Ally, the present "Nabôb, and even Mahomed Ally, the Nabôb of Arcot (the best Mus-"selman I ever knew) have afforded instances sufficient of their inclina-"tions to throw off the English superiority. No opportunity will ever "be neglected that seems to favour an attempt to extirpate us, though "the consequences, while we keep our army complete, must in the end "be more fatal to themselves. This impatience under the subjection, "as I may call it, to Europeans is natural; but so great is the infatu-"ation of the natives of this country, that they look no farther than the "present moment, and will put their all to the hazard of a single battle. "Even our young Nabôb, who is the issue of a prostitute, who has little "abilities, and less education to supply the want of them; mean, "weak, and ignorant as this man is, he would, if left to himself and "a few of his artful flatterers, pursue the very paths of his predecessors. "It is impossible therefore to trust him with power and be safe. If "you mean to maintain your present possessions and advantages, *the* "*command of the army and receipt of the revenues must be kept in your* "*own hands*; every wish he may express to obtain either, be assured, "is an indication of his desire to reduce you to *your original state of*

† Part of the 15th paragraph of a Letter, dated Calcutta, the 30th September 1765. AUTHENTIC PAPERS, p. 29.

"*dependency, to which you can never now return without* CEASING TO "EXIST."

This our young Nabôb Najim al Dowlah, by the agreement * made between him and the Company in July 1765, was to have a settled income, out of the revenues of the Bengal provinces, of considerably more than fifty-three lacks of sicca rupees *per annum*. Within two or three months afterwards, in consequence of the penetrating inspections that had been made by LORD CLIVE and MR. SYKES, it was reduced to less than forty-two lacks †: but he died *suddenly* on the 8th May 1766, within fifteen months after his exaltation to the Músnud.

The allowance to his brother and successor Meer Kaneyah, *alias* Seyf al Dowlah, a youth of about fifteen years old, was reduced to thirty-six lacks, which however he did not long enjoy, having, on the 10th of March 1770, also died *suddenly*.

His youngest brother Mobâreck al Dowlah, a youth of about thirteen years of age, was the next Nabôb. His allowance upon his accession to this nominal Government was settled by the Company's Servants in Bengal, at thirty-two lacks a year; but it was lessened, in the same year 1770, to sixteen lacks by the Court of Directors; who at the same time also reduced the income of the minister Mahomed Reza Khawn, from nine to five lacks *per annum*.

Our present Nabôb Mobâreck al Dowlah, though a child, has already been furnished with a seraglio, which will scarce contribute to promote a long life: but when, or how Mobâreck may die we pretend not to foresee. However, as he is the only remaining son of Meer Jaffier, and considering the late fatality among Nabôbs, it is reasonable to imagine the race of them in Bengal is very nearly at an end. It is probable our present young Nabôb may prove the last of his family, and he may likewise wind up the bottom of this office, with respect to the human race. Whenever he dies, in any way, perhaps one of the state-elephants may be thought no improper successor, that being an animal of great shew, very long lived, equally ‡ *tractable*, and not so expensive to maintain as the pageant parts of the human race.

* See APPENDIX, N° XXIII. p. 37.

† See LORD CLIVE'S LETTER to the COURT OF DIRECTORS. AUTHENTIC PAPERS concerning INDIA AFFAIRS, page 27. And SYKES'S LETTER to the SELECT COMMITTEE at CALCUTTA. *Appendix*, N° XXXIX. p. 139, &c.

‡ See SYKES'S LETTER to the SELECT COMMITTEE. *Appendix*, page 138.

CHAP.

CHAP. VI.

REMARKS ON THE FOREGOING CHAPTERS.

MANY intelligent gentlemen in England, who are unacquainted with the affairs of India, when they hear the Grand Mogul or the Nabôb of Bengal mentioned, imagine them to be independent Princes, possessed of territories in their own right, and either ruling their subjects by their own will, or by the established laws of India. The foregoing chapters, we hope, will set those matters in a true light, and convince the impartial reader, that nothing can be more distant from truth at present than the idea of such independency. The Nabôbs of Bengal are no other than the tools of the English East India Company and their Representatives in Asia, through whom not only the natives, but even Englishmen, in those remote parts, are exposed to every species of oppression; for so grievous is the present situation of British subjects in those countries, that it is in fact now easily in the power of the Governor of Bengal, whenever he pleases, to deprive any one of so much of his property as lies within *the Nabôb's* dominions, or even of his life, should he trust himself there, without its being possible for justice to be procured against such offenders by any laws now in being there, or even here, according to the present state of things and constitution of the Company. Every subsequent chapter will serve more to convince the reader of the truth of these assertions.

The only land which the English East India Company ever legally held by a regular grant from a real Mogul, was what the Emperor Furrukhseer granted them in the year 1717, which was not quite fifteen acres, wherever they established their factories, as will be shewn in the following chapter. And from all the concurrent testimonies produced in our fourth and fifth chapters concerning the Dewannee and the Nabôb, to which testimonies even the Right Honourable Lord Clive himself has contributed, it appears clearly, that, *according to the institutions of the empire*, the Nabôb, Názim, or Subahdár of Bengal, or indeed of any other part of Hindostân, had no power over the revenues, he being liable to be called upon for the whole amount of them, after being paid the necessary expences of the Nizâmut.

The Nabôb therefore could have no right to dispose of the revenues, much less to bestow the rank of nobility by creating Omrahs of the

empire; to alienate lands, or grant away to another perſon, by a formal and public act, any part of a jagueer which he might himſelf have held only conditionally, in appearance, from the Emperor, as a Jagueerdár; which being all imperial acts, could only be done by an Emperor eſtabliſhed on the throne of Dehly, and ſuch an one there has not been for many years paſt; conſequently all the tenures of ſuch territories and revenues as have been taken by the Engliſh Company, beyond what were granted them in 1717 by Furrukhſeer, are not legally valid, *according to the conſtitution of the Mogul empire*, but poſſeſſions acquired and held either by violence or uſurpation.

To ſuppoſe the exiſtence of the old eſtabliſhed laws and actual form of government of the Mogul empire, and to argue therefrom, is highly abſurd in ſpeaking of the preſent ſtate of affairs, when no ſuch laws or empire exiſt. In all the publications therefore which have lately been made of thoſe matters, we meet with numberleſs abſurdities and contradictions; the parties themſelves having made the conſtitution of the Mogul empire appear juſt what they pleaſed, by repreſenting things in ſuch lights as beſt ſerved to promote their own temporary intereſts.

Thus in the memorial from the Court of Directors of the Engliſh Company to the King's Moſt Excellent Majeſty, on the ſubject of complaints from the Dutch Eaſt India Company, dated the 3d February 1762, the Directors by very ingenious arguments endeavour to convince their Sovereign, that the Nabôb of Bengal was *de facto* whatever he might be *de jure*, a * ſovereign prince, and the Mogul nobody; becauſe at that time it was requiſite for their purpoſe that Jaffier Ally Khawn, our Company's firſt Nabôb, ſhould appear independent. The Right Honourable Lord Clive at that time ſupported the ſame doctrine, becauſe, in gratitude for his having ſecured to that officer the Nabôbſhip of Bengal, the *Nabôb* had made his Lordſhip an *Omrah*, and by appointing him a jagueer, made him a *Jagueerdár*, or Lord of the Company's lands, "*who were thereby freed from all dependence, except* "*on his Lordſhip* †." But when it becomes neceſſary to aſſume the Dewannee, as we have juſt ſeen, then our Nabôb is nobody; and Shah Allum iſſues his Royal Firmauns with all *Imperial authority*.

The fact is, that none of theſe revolutions or pretended grants can be ſupported upon principles of juſtice. In all the tranſactions we have taken notice of, there was no right but that of the longeſt ſword, nor any law except the will of the conquerors; who could, upon all ſuch

* See A DEFENCE, &c. printed for J. Brotherton, in Cornhill, 1762, page 22.
† See LORD CLIVE's LETTER to the PROPRIETORS, printed for J. Nourſe, 1764, pages 34 to 36.

occasions, have taken for themselves, or given to the Company what they pleased, having no check but *their own consciences*, or seldom any rule but that of *convenience*.

The *Black* Nabôbs had the same reason for appearing to hold their Nabôbships by virtue of Imperial Súnnuds, as the English Company had for pretending to hold their first lands by grants from the Nabôb, and their *subsequent Dewannee* from the *Mogul*, though they should be necessitated for each purpose respectively to create their own Nabôbs or Emperors; viz. the having something ostensible to screen their usurpation, in case their pretended right should be disputed by any other power; but as the sword alone would decide the point in India, this cloak seems to have been chiefly calculated for service in our northern climates.

Perhaps Lord Clive had this idea principally in view, as a farther security for his jagueer, when on his last trip to Bengal he changed the state of the Company's affairs so speedily, by altering all the treaties then subsisting, exalting the Prince Ally Gohár, and introducing the Company as deriving every thing immediately from this our new-created EMPEROR, by the manœuvre of the Dewannee. In the then state of the Company's affairs, it was possible that the litigation respecting his jagueer might be revived, or that even government might interfere therein; and his Lordship well knew that he could scarce have continued in the enjoyment of it, if the Company had been averse to his so doing; much less could he ever have obtained satisfaction from *the laws or courts of Hindostân*, to which, in the opinions of the ablest lawyers here, the point must at last have been referred for decision. Every step, therefore, tending farther to establish the authority of this unfortunate Prince, as Emperor, and to make the Company appear to hold all they possessed under that authority which was also made to confirm his Lordship's Jagueer, was adding weight to his own claim; and the additional allowance of twenty-six lacks per annum, which his Lordship provided for this our Emperor, was binding him by interest to his Lordship's side.

It is scarce possible otherwise to account for this extraordinary and bold step of his Lordship, in assuming the Dewannee; which, as we have shewn in our 4th chapter, had been so positively rejected by the Company in March 1763; for it was a step that was highly incompatible with the Company's engagements then subsisting with the Nabôb, and injurious to that family from whom both the Company and his Lordship had derived the greatest benefits, nay, and which could not fail of laying open and exposing the affairs of the Company to those

national

national inquiries which followed; while in fact they had not in Bengal the appearance of receiving immediately any real advantage from the change. That the reader may perceive more clearly the truth of this last assertion, we will lay before him a short view of the advantages gained by the Company upon the treaties subsisting when Lord Clive and his Committee arrived in Calcutta, compared with those made by them upon their assuming of the Dewannee.

In order to form a right judgment of this comparison, the reader must be first informed of the true value of the zemindâry of the late Râjah Bulwant Sing. At the capital city of Banâras, the judicious Governor Vansittart and his Council had, towards the end of the year 1764, established a factory consisting of a Chief and Council, for the collection of the revenues of that zemindâry, which was likewise more advantageously situated for extending and increasing the sales of broadcloth and other staple articles imported by the Company, than any other factory they possessed. His Lordship and the Secret Committee (who appeared on this as well as on many other occasions, to have brought from England all knowlege of the state India was in on their arrival) upon relinquishing this zemindâry, resolved also to withdraw the factory; and without duly consulting the servants of the Company employed in that department, were pleased to fix the revenues of the country for the last year they resolved the Company should hold it, ending the 27th November 1765, at twenty lacks of rupees. But it is well known that the Râjah, who died about two years ago, collected near four times that sum. His brother, the late Sirnaam Sing, was actually on the point of making proposals to the Company for giving them forty-five lacks per annum for that zemindâry, about the time in which this country was given up by his Lordship. In a very short time the Company therefore might with the greatest propriety, after making every equitable allowance to the Zemindár, have collected fifty lacks, and upon his demise, by keeping the lands in their own hands, upon the footing of the Calcutta Pergúnnahs, there is not the least doubt to be entertained of their having soon yielded eighty lacks, or one million sterling per annum.

Upon the treaties subsisting in GOVERNOR SPENCER's time, February 1765 (See the Appendix, N° XIV. and XV. pages 21, 22, &c.)

	Sicca Rupees.	Pounds Sterling.
The accession of five lacks of Sicca rupees per month in consideration of the Company's military expences, is, *per annum*	6,000,000.	
The revenues of Burdwân, Midnipore, and Chittigong, (exclusive of Calcutta and the 24 Pergúnnahs) agreeably to an estimate of Lord Clive's - - -	5,000,000	
The revenues of Ghazipore, Banâras, &c. districts of the zemindâry of Bulwant Sing, which for the reasons before given may with great moderation be estimated at - - - - - - -	4,500,000	
	15,500,000	
Or, at 2s. 6d. each - - - - - - -		1,943,750

Upon LORD CLIVE's Treaties in August 1765, (see the Appendix, N° XVII. XVIII. XXII. and XXIII. pages 27, 29, 36 and 37.)

		Sicca Rupees.	
His Lordship himself* estimated, that the whole revenues of the Company's provinces in Bengal, Bahár and Orissa, (exclusive of Calcutta and the 24 Pergúnnahs) would amount to - -		25,000,000	
From which must be deducted,			
The annual stipend provided by his Lordship for *the Emperor* Shah Allum - -	2,600,000		
The annual allowance to the Nabôb of Bengal, which, though afterwards reduced, was first fixed at -	5,386,131		
		7,986,131	
		17,013,869	
Or, at 2s. 6d. each - - - - - -			2,126,733
			£. 182,983

* See AUTHENTIC PAPERS, page 26.

The difference in favour of Lord Clive's treaties, according to this estimate, which comprehends every article of a permanent nature, is only one hundred and eighty-two thousand, nine hundred and eighty-three pounds sterling per annum,* even admitting that, agreeably to his Lordship's estimate, 250 lacks had been actually collected; which we believe, from a variety of causes, has not been the case in any one year from his Lordship's establishment to this day. It is true, that the Nabôb, Sujah al Dowlah, upon his being restored to his country, paid the Company fifty lacks of rupees, agreeably to the 6th article of the treaty, as an indemnification for their charges in the war. But this being only a temporary advantage, against which must be also placed the extraordinary charge of that campaign, it cannot with propriety be included in our estimate among the articles of a permanent annual revenue.

If then we place against the before-mentioned 182,983l. the 400,000l. now paid annually to government, and the additional improvements which might have been most reasonably expected from Bulwant Sing's Zemindâry, it must be allowed that his Lordship's alterations, upon assuming the Dewannee, have been no way for the interest of the Company, even without bringing to account the amazing increase in the charges of the civil and military establishments, which has been another ill consequence, to the almost entire absorption of the revenues.

Even the Court of East India Directors seem to have been soon sensible of this greatly increasing charge, by their letter to the Select Committee at Bengal, dated the 16th March 1768; wherein, after estimating what the various articles of increase in their military and other charges would amount to, exclusive of what might be paid to the Marahtahs, if their treaty with that nation should come to a conclusion, they thus proceed, in the 140th paragraph. "When these calculations are made, you will find we already approach the *utmost limits of what expence can be afforded from the revenues:* and should there be occasion for any military operations, it will be found we have not altered our situation much to our advantage; *but have only exchanged a certain profit in commerce for a* PRECARIOUS *one in* REVENUE."

CHAP.

CHAP. VII.

ON the MOGUL's FIRMAUNS, the PASSPORTS called DUSTUCKS, and the early POSSESSIONS of the ENGLISH in BENGAL.

THE Portugueze, who after the first discoveries of Vasco de Gama, in 1497, possessed the greatest power and trade in India for near a century uninterrupted by any European rival, had settlements established at Surát and Guzerát, or Amadavát, on the coasts of Coromandel and Malabar, and in Bengal, long before any English trading vessels visited India. They were so early, as about the year 1534, in league with the King of Bengal, then independent of the court of Dehly, whom they assisted with a large force from Goa against the Patān, Shere Khawn. Their principal settlements in Bengal at first were Porto Grande, which we now call Chittigong, and near Hoogly, Porto Pequeno, where, or thereabouts, they still preserve their present settlement of Bandell: which settlement at Hoogly was afterwards confirmed to them by the Emperor Shah Seleem, or Jehan Gueer, the grandfather of the famous Aurengzebe, on condition of their protecting the Bay and Coast of Bengal against the incursions of the Mugg pirates, which were at that time very frequent.

Queen Elizabeth was the first of British Sovereigns who interested themselves in the voyages of the English round the Cape, to the East; having, for the purpose of establishing a trade in India and China, sent her royal letters, by the adventurers of those times, to several of the Emperors and Princes of those countries; particularly in the year 1583, by two merchants, named John Newbery and Ralph Fitch; and in the year 1596, by two others, named Richard Allot and Thomas Bromfield.

Her Majesty's letter dated in February 1583, sent by Mr. John Newbery to the Great Mogul, or Emperor Akbur, was as follows.

" Elizabeth, by the Grace of God, &c. To the most Invincible and
" most Mightie Prince, Lord Zelabdim Echebar, King of Cambaya,
" Invincible Emperor, &c.

" The great affection which our subjects have to visit the most distant
" places of the world, not without good will and intention to in
" troduce the trade of merchandize of all nations whatsoever they can,
" by which meanes the mutual and friendly trafique of merchandize

" on

"on both sides may come, is the cause that the bearer of this letter,
"John Newbery, jointly with those that be in his company, with a
"curteous and honest boldnesse, do repaire to the borders and coun-
"treys of your empire, wee doubt not but that your Imperial Majestie,
"through your royal grace, will favourably and friendly accept him.
"And that ye would do it the rather for our sake, to make us greatly
"beholding to your Majestie; wee should more earnestly, and with
"more words require it, if wee did think it needful. But by the
"singular report that is of your Imperial Majestie's humanitie in these
"uttermost parts of the world, wee are greatly eased of that burden,
"and therefore wee use the fewer and lesse words: onely we request
"that because they are our subjects, they may be honestly intreated
"and received. And that in respect of the hard journey which they
"have undertaken to places so far distant, it would please your Ma-
"jestie, with some libertie and security of votage to gratifie it, with
"such privileges as to you shall seem good: which curtisie, if your
"Imperial Majestie shal to our subjects at our requests performe, wee,
according to our royal honour, will recompence the same with as
"many deserts as we can. And herewith wee bid your Imperial Ma-
"jestie to farewel *."

Mr. Ralph Fitch, who writes the narrative recorded in Hackluyt, mentions their having staid at the court of the Emperor Akbur, which was then held at Fettehpore, until the 28th September 1585; but takes no notice of any privileges then obtained.

The first Englishman, as may be gathered from Purchas's collection, who obtained privileges from the Grand Mogul in favour of this nation, was a John Mildenhall †. He set out from London in the year 1599, upon a voyage up the Streights; after which he proceeded over land from Aleppo, through Persia, to the Mogul's court at Agra, (but was a considerable time on his journey, the reasons for which delay he gives no account of,) where he arrived in 1603. He was, as well as his letters, very graciously received by the Emperor, to whom he presented a Nuzzer of twenty-nine fine horses, and some jewellery; but met with great opposition from the intrigues of the Jesuits, particularly the Italians, of whose enmity he complains much; and could do nothing for want of the language of the country. He therefore applied hard, and made himself sufficiently master of the Persian tongue, whereby he

* See Richard Hackluyt's Collection, the 2d volume, page 245. Printed, London, 1599.
† See Purchas's Pilgrims, 1st Part of his 2d Book, page 114, *anno* 1625.

found

found means to ingratiate himself with the Mogul, and at last obtained firmauns much to his satisfaction, and which were said to tend greatly to the profit and honour of this nation; but we are not furnished with the copies of those firmauns.

During Mr. Mildenhall's peregrination, that is, on the 30th December in the year 1600, Queen Elizabeth had granted her first letters patent to certain adventurers, for fifteen years, for the discovery of the trade to the East, by the name of The Governor and Company of Merchants of London trading *into* the East Indies; which most probably prevented Mr. Mildenhall's firmauns from appearing.

Mr. Thomas Best *, who went out to India with the direction of two ships in 1611, carried letters likewise from King James, and presents to the Great Mogul, Shah Seleem (afterwards called Noor al Deen Jehanguеer) then at Agra. On the 21st October 1612, he settled articles of trade with the Mogul Governor of Amadavát and Surát, of which he afterwards received a confirmation from the Mogul, in a firmaun, dated at Agra the 25th January 1613; whereby, among other things, it was stipulated, "That there should be a perpetual peace and free commerce between the Mogul's subjects and the English in all parts of his dominions; that all English goods should pay custom after the rate of three and a half per cent. upon the value or price they were worth when put into the custom-house, and that it should be lawful for the King of England to keep and continue an ambassador at the court of the Great Mogul, during the time of the said peace and commerce; there to compound and end all such great and weighty questions as might any way tend to a breach of the said peace."

In the year 1614, Sir Thomas Roe †, Knight, was appointed, and sent by his Majesty, King James the First, as ambassador, with presents and a letter to the Grand Mogul, Shah Seleem, or Jehangueer, of which letter the following is a copy.

"James, by the Grace of Almighty God, the Creator of heaven and earth, King of Great Britain, &c. &c.

"To the High and Mighty Monarch, the Great Mogul, King of the oriental Indies, of Candahár, Cashmeer, Khorassaan, &c. Greeting.

"We having notice of your great favor towards us and our subjects, by your great firmaun to all your captains of rivers, and officers of your customs, for the entertainment of our loving subjects, the English nation, with all kind respect, at what time soever they shall

* See PURCHAS's PILGRIMS, Book II. page 456, &c.
† IBID. page 535, &c.

" arrive at any of the ports within your dominions, and that they may " have quiet trade and commerce, without any kind of hindrance or " molestation, &c. as by the articles concluded by Sheik Suffee, Go- " vernor of the Guzeráts, in your name, with our loving subject Cap- " tain Thomas Best, appeareth: having thought it meet to send unto " you our ambassador which may more fully, and at large, handle and " treat of such matters as are fit to be considered of, concerning that " good and friendly correspondence which is so lately begun between " us; and which will without doubt redound to the honour and uti- " lity of both nations. In which consideration, and for the furthering " of such laudable commerce, we have made choice of Sir Thomas " Roe, Knight, one of the principal gentlemen of our court, to whom " we have given commission under our great seal of England, together " with directions and instructions, further to treat of such matters as " may be for the continuance and increase of the utility and profit " of each other's subjects: to whom we pray you to give favor and " credit in whatsoever he shall move and propound towards the esta- " blishing and enlarging of the same. And for confirmation of our " good inclination and well-wishing towards you, we pray you to ac- " cept in good part the present which our said ambassador will deliver " unto you: and so do commmit you to the merciful protection of Al- " mighty God."

Sir Thomas Roe had his first audience at court, then kept at Azmeer, on the 10th January 1616. He was very graciously received, and the answer which the Emperor Jehanguеer wrote to King James's letter, as delivered to Sir Thomas, was as follows.

After the usual preamble and compliments. " Your letter, which " you sent me in the behalf of your merchants, I have received, where- " by I rest satisfied in your tender love towards me; and desire you " not to take it ill, for not having writ unto you heretofore; for this my " present letter I send to renew our loves, and herewith do certify you " that I have sent forth my firmauns through all my countries to this " effect, that if any English ships or merchants shall arrive in any of " my ports, my people shall permit and suffer them to do what they " will freely in their merchandizing causes, aiding and assisting them " in all occasions of injuries that shall be offered them, and that the " least cause of discourtesy be not done unto them, as also that they be " as free and *freer* than my own people. And as now and formerly I " have received from you divers tokens of your love, so I desire your

 " mindful-

" mindfulness of me by some noveltys from your country, as an argu-
" ment of friendship between us: for such is the custom of Princes here.

" As for your merchants, I have given express order *through all my*
" *country* to suffer them to sell, buy, transport, and carry away at their pleasures, without the let or hindrance of any person whatso-
" ever, all such goods and merchandize, or other things, as they shall
" desire to buy: and let this my letter as fully satisfy you in the desired peace and love, as if my own son had been the messenger to ratify
" the same. And if any in my country, not fearing God, nor obey-
" ing their King, or any other, void of religion, should endeavour,
" or be an instrument to break this league of friendship, I would send
" my son, Sultan Khourm, a soldier approved in the wars, to cut him
" off, that no obstacle may hinder the continuance and encreasing of
" our affections."

Such was the nature of the firmauns and the encouragement at first granted to the English, at the special request of the Sovereigns of England, in favour of the whole nation. By permission of the Mogul government, the English Company settled their first factory in Bengal, at Hoogly, where the Dutch had settled about the year 1625; and the English factors at Bengal were dependent upon the Company's settlement at Chinipatám, or Madrass. Hoogly, which is now in ruins, was at this time a port of considerable trade; to which all foreigners in general resorted, as to the grand emporium for the purchase and sale of all commodities in Bengal: but no Europeans were then permitted to raise fortifications in Bengal, being justly kept totally dependent upon that government, where they had procured themselves admittance for the avowed purpose of trade only.

As the trade increased from the indulgences granted to foreign settlers, they were naturally objects of jealousy to the natives; so that causes of disputes frequently arose in many parts of the empire wherein the Europeans had established their factories. The Englishman frequently met with rebuffs that he could not reconcile to his notions of liberty, and the Mogul governors were as frequently disappointed in their expectations of Asiatic servile obedience from Englishmen; so that irregularity and disorder were as often committed on one side, as violence and oppression on the other.

Such contests were by no means favourable to the Company's trade; and they were unhappily carried to such lengths, particularly at the Company's settlements on the Malabar coast, that, about the year 1685, the Company thought they had no alternative, but either to withdraw their trade, or resist by force the violences of the Nabôbs; which were after-

afterwards not a little aggravated and exaggerated by their governor of Bombay. Having before them, from the transactions of the Portugueze, recent proofs of the very great advantages over the natives of India; which were to be had from an European naval armament, and the regular discipline of European infantry, the Company determined upon trying what they could effect by force; and, having obtained permission from King James the IId. they fitted out and sent one fleet to cruize off Surat, and to take, plunder and destroy all Indian ships and vessels; and another fleet with troops to Bengal, to act vigorously in that quarter.

The fleet on the Malabar coast made immense booty at sea, from indiscriminately plundering all Indian merchant-ships, whilst the troops in Bengal, under the command of Mr. Job Chanock, the Company's chief factor at Hoogly, experienced many changes of fortune. Sir John Child, the Company's governor at Bombay, by his * imprudent conduct prolonged the war until June 1690, which was fatal to the then Company, having cost them above four hundred thousand pounds sterling, before they could get rid of it, besides the forfeiture of their privileges, and the loss of their credit with the Indians and the Mogul; whose governor of Surat, Sedee Yacoob, took Bombay, and imprisoned the Company's factors, obliging them to pass through the streets with irons about their † necks.

" The bad success of this war obliged the English to sue for peace " and pardon from the then Emperor Aurengzebe; for which purpose they dispatched from Surat two of their factors to Dehly, under the " names of English Ambassadors: one, Mr. George Weldon, who was " first in commission, and Mr. Abraham Navaar, a Jew, who was se- " cond. They were brought to Aurengzebe's presence, after a new " mode for ambassadors, their hands being tied by a sash before them, " and were obliged to prostrate themselves. The King gave them a " severe reprimand, and then asked their demands. They first made " a confession of their faults, and desired pardon; then, that their Fir-

* Hamilton, Vol. Ist, pages 185 to 229, in his account of the East Indies, where he commanded a vessel in the coasting trade for many years, gives a shocking account of the conduct of Mr. John Child, who was related to Sir Josiah Child, then at the head of the Company's affairs in England. This Mr. Child, appointed governor of Bombay about the year 1682, was soon afterwards made general in India, and created a Baronet: for money (says our author) which the Company knew how to apply to the necessities of King Charles. He is represented to have been guilty of every species of tyranny, oppression, injustice and plunder, alike towards the natives of the country and his own fellow subjects; and to have involved the Company in this war, which at last ended as disgracefully to himself as to the Company and the Kingdom

† Account of the East Indies by *Alexander Hamilton*, 1727. See also Harris, Vol. Ist, pages 901, &c.

" maun, which was forfeited, should be renewed, and that the Sedee
" and his army should be ordered off the island of Bombay.

" Aurengzebe, who was a mild and wise prince, accepted of their
" submission; and pardoned their faults, on condition that Governor
" Child should leave India in nine months, and never come back
" again: and the Firmaun was renewed, on condition that satisfaction
" should be given to his subjects on account of debts contracted, rob-
" beries committed, and losses and damages made good."

Matters being thus settled from the great lenity of the Mogul, the Company's agent in Bengal, Mr. Job Chanock, obtained leave for the English to return to their factories. He did not choose to return to Hoogly, and therefore first settled at Ulbareea, a village situated on a creek upon the western side of the river, near forty miles below Hoogly; but, finding this place inconvenient, he afterwards obtained leave from the Nabôb to settle his factory at Sootanutty, a village now comprehended in the districts of the present town of Calcutta.

Six years afterwards, that is, about the year 1696, several of the hereditary landholders, headed by the Râjah of Burdwân, declared themselves independent of the Mogul's governor, or Nabôb of Bengal; and, having raised a considerable force, they proceeded to the taking and plundering of Hoogly, the capital Murshedabâd, and Ragemahl, before a stop could be put to their rebellion. The English, French, and Dutch, with great professions of attachment, declared in favour of the Nabôb; and availed themselves of this confusion to fortify their settlements, under the pretence of self-defence. Thus arose the walls of the Dutch fort at Chinsurah, the French fort at Chandernagore, and Fort William at the English settlement of Calcutta.

The Nabôb who had been sent by the Mogul Aurengzebe, to quell this rebellion, was Azim al Shawn, a man of a most avaricious disposition; which enabled the English, by bribery, to obtain his consent for their purchasing of the Zemindârs, or hereditary landholders, the Zemindâry rights of the districts round them, to the extent of about one mile and a half square; by which they annexed the villages of Calcutta and Govindpore to their jurisdiction, the accustomed royalties being reserved to the Nabôb.

The advantages which the natives found under this new established government, from the favour shewn to the English, and the great increase of trade after the union of their two Companies, brought a great concourse of people to the English settlements; the importance of which increased so fast, that, in the year 1707, the Directors in England appointed Calcutta to be a Presidency, independent of Madrass.

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We do not hear of any thing farther passing with the Court of Dehly respecting the Firmauns of the English, till the reign of the Emperor Furrukhseer. The trade of the English Company in Bengal had, from the period of their submission to Aurengzebe, continued to grow daily more important; but it was not carried on without frequent interruptions from the officers of the Mogul government, which it was hardly possible to avoid, with a colony so situated. Being sensible likewise of the precarious tenures of their establishments in Bengal and elsewhere, in the year 1715, the Company sent a deputation of two gentlemen to the Court of Dehly; one an Englishman, named John Surman, and the other a very considerable Armenian merchant, named Cogee Serhaud, to solicit redress for past, and security against future oppressions; for an extension of their old, and for many new privileges; and particularly for a small spot of ground to be allowed them wherever they settled a factory.

It was upon this deputation that the English East India Company obtained their Grand Firmaun, exempting them from paying any duties upon their trade within the Mogul's dominions, on paying a Peshcush, or acknowledgment of ten thousand rupees per annum. As this is the Firmaun by which they were governed, till they themselves became the makers of Nabôbs and Moguls, and will shew what parts of the petitions of our ambassadors were granted, we give it intire to our readers, in the translation which Mr. James Fraser, a gentleman well acquainted with the Persian language, has made of it, and inserted in his History of Nader Shah, viz.

'All governors, people in offices, &c. who are at present, and shall 'be hereafter in the province of Ahmedabâd, and in the fortunate 'ports of Surat and Cambay, being in hopes of the royal favour, 'Know, that at this time Mr. John Surman and Cogee Serhaud, fac-'tors to the English, have represented, "That customs on English "goods all over the empire are pardoned, except at the port of Surat; "and that at the said port from the time of the late Emperor Shahab "al Deen Shah Jehán, two per cent. was settled as customs; from the "time of the late Emperor Mohy al Deen Mahomed Aurengzebe Al-"lumgueer, three and a half per cent. was appointed; and in other "places none molested them on this account: and in the time of the "Emperor Abul Mazuffer Bahadr Shah, two and a half per cent. was "settled, and is in force until now. By reason of the oppressions of "the government officers there, it is three years since they have with-"drawn their factory. In the provinces of Bahár and Orissa this na-"tion pays no customs; and in the port of Hoogly, in the province

"of

"of Bengal, they yearly give 3,000 rupees acknowledgment in lieu "of customs; they are in hopes, that, according to the custom of "other ports, in the port of Surat likewise a yearly acknowledgment "may be settled in lieu of customs: they agree therefore to a yearly "Peshcúsh, or acknowledgment of ten thousand rupees."

'The order that subjects the world to obey it, and which must be 'strictly followed, is issued forth: that since they agree to ten thousand 'rupees Peshcúsh at the port of Surat, take it yearly; and, besides 'that, molest them on no account. And what goods or effects their 'factors bring or carry away, by land or water, to and from the ports 'of the provinces and other parts, looking upon them to be custom-'free, let them buy and sell at their pleasure. And, if in any place, 'any of their effects should be stolen, use your utmost endeavours to 'recover them, delivering the robbers to punishment, and the goods 'to the owner; and wherever they settle a factory, or buy and sell 'goods, be assisting to them on all just occasions; and whomsoever of 'the merchants, &c. they may have a just demand on by accounts, 'according to equity, give the English their due, and let no person 'injure their factors. They have likewise humbly represented, "That "the Dewâns in the provinces may demand the original Súnnud, or "a copy, with the Názim or Dewân's seal affixed, that to produce the "original in every place is impracticable; they are therefore in hopes, "that a copy under the Kâzy's seal shall be credited, and they not de-"mand the original Súnnud, or molest them on account of a copy, "with the Názim or Dewân's seal. And in the island of Bombay, be-"longing to the English, where Portugueze coins are current, that, "according to the custom of Madrass, coins may be struck: and that "whoever of the Company's servants, being in debt, runs away, may "be sent to the chief of the factory; and that on account of the "* Fowzdáry, and other forbidden articles (by which means the Com-"pany's factors and servants are vexed and discouraged) they be not "molested."

'The strict and high order is issued forth, that a copy, under the 'Kâzy's seal, be credited; and that in the island of Bombay fortunate 'coins, struck according to the custom of the empire, be current; and 'whosoever of the Company's servants, being indebted, runs away, 'let him be taken and delivered to the chief of the factory, and let

* The Fowzdár in all great cities is the magistrate for licensing of disorderly houses, and the sales of spirituous liquors, and takes cognizance of riots, &c. on which account, by the irregularities of the English sailors, the Company's servants were frequently exposed to difficulties. This relieved them from the Fowzdár's jurisdiction.

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'them not be molested on account of the forbidden articles. They have 'likewise represented, "That in Bengal, Bahár and Orissa the Com-"pany have factories, and that they are willing to settle in other places. "They are in hopes, that wherever they settle *forty* * *Begas of ground* "may be graciously bestowed on them by the Emperor; and that their "ships sometimes, by reason of tempests, run ashore and are wrecked, and "that the governors of the ports do, in an oppressive manner, seize the "goods, and in some places demand a quarter part," 'the royal order 'is issued forth, that they act according to the customs of the factories 'in other provinces in regard to this nation, who have factories in the 'Imperial ports and dealings at court, and have miraculously obtained 'a Firmaun, exempting them from customs. Take care, in a just 'manner, of the goods of their ships that are wrecked or have lost their 'passage; and in all affairs act according to this great order, and 'demand not a new grant yearly. In this be punctual. Written on 'the 4th of Saffer, in the 5th year of this glorious reign.' (The 6th January 1716-7.)

Mr. Vansittart, in his narrative of transactions in Bengal, has given † another translation of this Firmaun, which differs in many particulars, and even in date, from this of Mr. Fraser. Both these authorities are so good that we do not know which to give the preference to: however, as they do not differ in any of the principal points, it is needless to swell this chapter with the other translation; which the curious reader may consult in Mr. Vansittart's work.

In order to certify to the officers of the country governments, stationed at the several watch-houses and custom-houses in the country, what was the merchandize that was to pass by virtue of the Firmaun duty-free, it was always customary for the governor of Calcutta, and sometimes the chiefs at subordinate factories, to sign a short note in English, with a more full one on the same paper in Persian, directed to all officers of the government, in general terms, with an account of the goods, the place from whence they were going, and the market they were destined to; to which was affixed the Company's broad seal, and this was called a DUSTUCK. While the Mogul government continued in full vigour this Dustuck ought to have conducted the English goods, duty-free, to the utmost confines of his dominions; but it soon became of no service out of the Bengal provinces; that is, in other words, it was minded only where the English power could enforce it. By con-

* About 15 acres: a Bega being about 16,003 square feet.
† Vol. I. page 9.

stant

ſtant uſage, and the connivance of the Indian government, theſe Duſtucks were always looked upon as, of right, belonging to the covenanted ſervants of the Company alſo, for the carrying on of their own private trade.

Such were the privileges which the Engliſh obtained by virtue of the Firmaun of the Emperor Furrukhſeer, which were intended to guard them in the tranſporting of their goods to and from their principal ſettlements, againſt the impoſitions of ſubordinate governors of provinces. At the time thoſe privileges were granted, and for ſome years afterwards, the Indian government could ſcarce feel the loſs or inconvenience ariſing from this general exemption of the trade of the Engliſh from the payment of thoſe duties which the natives were ſubject to; as, while no other undue influence could be uſed, it only occaſioned a loſs in the duties upon the Engliſh trade, which was then inconſiderable, and had not been extended but to a few articles. The goods alſo which the Engliſh were then uſed to buy in the inland country paſſed through a variety of hands before they received them, ſo that an induſtrious and intelligent native, who went about his own buſineſs at firſt hand, could, even after paying duties, bring his goods down to market at the Engliſh ſettlement as cheap as thoſe the Engliſhman received with the duſtuck; as even the Armenians, many of them at leaſt, frequently did. But in ſucceeding times, with the altered ſituation of the country, and of the Company's affairs, the abuſe of this privilege became the occaſion of the greateſt hardſhips upon the natives; and the ſame has been of late years a principal cauſe of the preſent diſtreſſed ſituation of the affairs of Bengal, as will be ſhewn in a following chapter.

CHAP. VIII.

ON THE EARLY TRADE OF EUROPEANS IN INDIA, AND THE INTERIOR PARTS OF HINDOSTAN; AND ON THE PRESENT DIFFERENCE BETWEEN THE TRADE OF THE ENGLISH COMPANY AND THAT OF BRITISH INDIVIDUALS AND OTHER NATIONS IN BENGAL.

THE European people that firſt figured highly in India, as we have before obſerved, were the Portugueze; who were indebted for all their ancient proſperity to the enterpriſing genius and reſolute perſeverance of one of their princes, of whoſe exalted merits they appear to

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have been blameably insensible; his fame among them having never been, in any just degree, proportionate to his extraordinary worth; while they have been extravagant in their encomiums on others, whose public merits were comparatively insignificant.

This prince was Dom, or Don *Henrique*, so named in honour of his uncle, Henry IV. of England, fourth son of John the First, King of Portugal, by his queen, Philippa, daughter of John of Ghent or Gaunt, Duke of Lancaster, fourth son of Edward the Third, King of England. Don *Henrique* was Duke of Viseu, and, with his father and two of his brothers, a Knight Companion of the Most Noble Order of the Garter.

He was by his genius directed to deep and useful studies, and practically applied himself to the making of naval discoveries. To him his country owes the acquisition, and Europe its first knowledge of the Madeira and Azores Islands; and the successive discoveries he directed, had, before his death, extended far on the coast of Guinea.

His example and success induced the court and kingdom of Portugal to pursue those honourable and useful undertakings, which were gradually extended to the Cape of Good Hope, first known by the name of the * Cape of *Storms;* and at length this Cape, after many fruitless attempts made by other Commanders, was successfully doubled towards the end of the year 1497, by Vasco de Gama, who pursued his voyage afterwards to † Calicut on the coast of Malabar; where, in progression, many other establishments were afterwards made.

The more early fruits of these prosperous adventures were, the acquisition of the ports of Angola, which soon made the Portugueze masters of that kingdom; and likewise the island of Mosambique, to the eastward of the Cape; from which island, for a long time, they carried on a very profitable trade with the inhabitants of the ‡ opposite coast of Africa, for *gold-dust, elephants teeth, cowries, &c.*

* *Cabo dos Tormentos.* It was first discovered in the year 1487, by *Bartholomew Dias.*

† The *first American land* was discovered by *Columbus* in 1492, so that the East and West Indies were discovered very nearly together.

‡ On the eastern coast of Africa, extending from the Cape of Good Hope northward to the Red-Sea, are several good harbours, particularly those of Sofala and Melinda. It is well known, that the country of Monomotapa, on the shore of which Sofala is situated, has in it very rich gold mines, and abundance of elephants; but by being situated to the eastward of the Cape of Good Hope, the coast is within the injudiciously-extensive limits of those regions to which our India Company have an exclusive right of trading; who make little other use of it than for taking in water and cattle on their voyages. With regard to this country, therefore, which might be made a fruitful source of commerce, the India Company's exclusive right of trade has made them, like the dog in the manger, prevent others from obtaining an advantage, of which they will not avail themselves; which surely is an object deserving of national consideration.

The navigation to India being thus opened by the Portugueze, it would probably soon have introduced many rivals to them in those seas, had not the discovery of America so speedily followed it; the nearer situation of which country, and the sudden enriching of Spain, by the great importations which she made of silver from thence, induced other nations* to prefer making expeditions to that quarter of the globe, and particularly the English, who were early and successful in their American discoveries.

Portugal therefore was a long time unrivalled in her Asiatic commerce: and in however rash and weak a manner she conducted her affairs in India, from vain-glory, bigotry, and religious persecution, yet she became gradually enriched by it to an amazing degree. This prosperity of Portugal continued to the time of the failure of the male branches of her royal family, of which misfortune Philip the Second of Spain availed himself for pretences to take possession of that kingdom; whose views afterwards with regard to America, and whose frequent embroils with other powers, as well as with his own Netherland subjects, made him so inattentive to other pursuits, as to furnish from his own conduct and the example which he gave to his successors, opportunities to the Dutch, when they had cast off the Spanish yoke, for establishing their own power, by means that greatly injured the Portugueze settlements in Asia, Africa and America.

To the strong jealousy which Spain entertained of the Portugueze, and of course her disregard to their interest; to her embroils with the rest of Europe, and to her predilection for American pursuits, the Dutch were principally indebted for those opportunities which they had the skill fully to avail themselves of, for establishing their interest and power in Asia; which till lately, particularly from their monopoly of the spice-trade, had been long superior in India to that of all the other powers of Europe; and which yet is, and probably will continue, on a very formidable footing.

In the first age of the Portugueze power in India, their merchants used to trade inland to the most interior parts of Hindostân; such as Agra, Azmeer, Burrampore, Lahore, and down the river Indus, to Tatta and Amadavât; and, according to Cæsar Frederick's account, about

* The situations of the times were also obstructive of such proceedings. The reformations in religion were then taking place in several parts of Europe, which introduced religious persecution, and caused many intestine broils. The royal succession was likewise growing to an end in Portugal, and was also endangered both in England and France. Spain was moreover an object of general jealousy, and had provoked revolts in some of her dependent provinces; and indeed the general peace of Europe was, in those times, by no means on a secure footing.

the year 1563, they used to send thirty or thirty-five ships from Bengal*, loaded with rice, cloth, lacks, sugar, long pepper, wood-oil and other commodities to the Malabar Coast every year.

In those times every possible encouragement was given by the Moguls to merchants of all nations, who, very contrary to the present impolitic conduct of the English East India Company, were allowed free ingress and egress for their traffic to and from Bengal, by land and by water; insomuch that large caravans over land were used to come from the most distant parts, even from Muscovy, as well as large fleets of boats down the rivers † Jumna and Ganges, for the purposes of trade, into Bengal and the adjacent provinces.

The Portugueze, from too bigotted a zeal for religion, as well as the desire of getting money too fast, had been guilty of such oppressions towards the natives as served effectually to root an antipathy towards Europeans in their hearts. This contributed as much as any thing to the ruin of their affairs in India, which was also not a little hastened by the rivalship of the English, as well as the Dutch, after the year 1600. From the time of their first acquiring power in India, the Portugueze had enthusiastically demolished the idols ‡ of the Gentoos, and by persecutions endeavoured to abolish their customs, nay, and even to force them to the profession of the Christian religion, which could not but be destructive of all commercial intercourse: and, accordingly, as soon as the natives found protection and toleration in any new-established European settlements, all the trade in the neighbouring Portugueze ports speedily dwindled away to nothing.

The trade of England, directly with India, was hardly heard of till towards the later end of the reign of Queen Elizabeth; who, in the year 1600, granted her first charter, or letters patent to certain adventurers of this country, for fifteen years, which she precautionarily made revocable at pleasure, on two years notice being given under the

* See HACKLUYT's COLLECTION, Vol. I. page 230. In the original, it is said from *Satagan*; which word has puzzled all our old geographers, for want of a more intimate knowledge of the divisions of Bengal. Satagan, as mentioned by Cæsar Frederick, means a district composed of several of the pergúnnahs subordinate to Hoogly, of which the accounts were kept in the King's books under the title of Sircár Sautgaum, and by which that part of the country was generally known.

† IBID. Pages 252 to 257. Mr. Ralph Fitch, one of Queen Elizabeth's ambassadors to the Emperor Akbur, says, that in the year 1585, when he went from Agra to Satagan, or Bengal, he set off in the company of many merchants, with a fleet of 180 boats, down the Jumna, loaded with salt, (meaning a species of rock salt called Samboll) ophium, hing, carpets and other commodities.

‡ In the life of Dom Joam de Castro, a nobleman of high Character, who died Viceroy of India, (published at Paris 1759,) there is a letter, dated the 8th March 1546, from John III. King of Portugal to that Viceroy, full of the most rigorous instructions for the extirpation of idolatry. The Gentoos about Goa are to this day obliged to go several leagues from the city, whenever they perform any of their religious ceremonies.

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privy feal. We know the tranfactions of that Company could never have been very important; and fuch even as they proved, there appeared to have been an effectual end put to them by the troubles of fucceeding times. A new Company was however eftablifhed in the reign of Charles the Second; to which the acquifition of Bombay, as part of the dowry of Queen Catherine, muft have been not a little important. Yet this trade, during the reigns of Charles and James the Second, could never have been intended for other than a very limited profecution, as the Companies were circumfcribed to fix good fhips and fix pinnaces to be employed therein *. So that either the utility of the trade muft have been ftrongly fufpected, or there were fome fecret motives for fettering in fuch manner fo important an undertaking; which, if good in its nature, could not have been profecuted too far. But whatever were the motives for fuch a regulation, there appear no rational grounds for fuppofing, that the trade was profecuted with any material degree of fpirit during the reigns of Charles and James the Second; becaufe thofe who obtained the firft charter after the Revolution, which was granted by William and Mary, were fo languid in their meafures, as to give encouragement to an unchartered fet of adventurers to eftablifh a new Company in defiance of the royal prerogative, and in oppofition to a body of men, who were, or ought to have been, poffeffed of fuch knowledge, from experience, as would have given them material advantages over fuch rivals as probably were lefs practifed in the bufinefs. It is true, that an alteration in government might have occafioned an alteration in commercial matters; and a languor in the proceedings of the firft Company might have principally induced the forming of another. All here contended for is, that the little fuccefs of preceding Companies, from what caufes foever it might happen, ferved rather to difcourage than animate a new one to fpirited undertakings; therefore, till after the Revolution, there is reafon for fuppofing the Eaft India trade of this country had been extremely infignificant.

* It may be thought ftrange, that the conftitution of England fhould be fo greatly ftrained, if not violated, for the fake of eftablifhing a commercial monoply, and at the fame time, that there fhould be fuch very limited degrees prefcribed to its operations. But Portugal in thofe days had recovered her independency, and India ftill continued to be a great object with her. One of the national bribes to the marriage of Charles with the Infanta Catherine was the furrender of Bombay to this kingdom: and it is not improbable that Charles, who was always in want of money, had a fecret prefent given him to render the acquifition of as little importance as poffible; which he did by limiting the very trade of the Company, who had likewife paid him for granting to them his exclufive charter. And this may the more readily be fufpected, as in the reign of King William, the glorious deliverer of this nation, he, his miniftry, and not a few of his parliament, were all paid to grant a new charter to an India Company, without any limitation whatever to their trade.

However,

However, after the erection of a second Company, the spirit of rivalship occasioned thereby must have pushed the prosecution of that trade to the utmost prudent degree; which might not be a little assisted and encouraged by the very improving state of our colonies and commerce. This rival contention was continued till the 6th of Queen Anne; when, by an act of parliament, the two Companies were united: which United Company, by renewals of their charter, has existed ever since; and, by a late extension of that which they possess at present, they are likely to exist till the year 1783.

It is certain, that since the union of the two Companies, three commercial causes have greatly contributed to the increase of this trade; which are, first, the immense improvement of our American, and of course African commerce, both of which have much augmented the consumption of Indian commodities: secondly, the great increase of the callico-printing business in this kingdom, owing to an extended foreign demand through a variety of channels; and, thirdly, the almost universal introduction of the use of tea, not only into this kingdom, but likewise into its dependent dominions.

In the early periods of the East India trade it appears, from various accounts in Purchas's Collection, that the English, as well as all other European adventurers, used to trade freely inland, under the protection of the Mogul government; transporting their goods in the carriages of the country, called Hackeries, to the most interior parts of Hindostân, where they carried on a considerable trade in many articles, particularly indigo, which used to answer very well before the cultivation of that plant in America. But upon the confusion introduced after the subversion and dismembering of the empire, the security of merchants became extremely precarious; who were made subject, as we find, to very great impositions in the different provinces, or Nabôbships, through which they passed. This indeed was so much the fact, that both Companies, while they continued separate, often experienced great inconveniencies from their agents going into the interior parts of the country to do their business; where they were frequently made to pay considerable sums to the Moorish Governors, or Nabôbs, for their releasements; for accommodations of disputes, or for reparation of injuries, sometimes real, but perhaps much oftener pretended. Therefore, after the uniting of the two Companies, when their affairs became reduced to a more regular system, it was made a general rule, not to permit any who were in their service, or under their jurisdiction, to go far into the inland country, without leave first obtained from the Governor and Council of the place at which they resided. There had been,

been, however, at all times, many persons who resided and traded in different parts of the inland country, who were subject to their respective laws; but being acquainted with the Indian languages and customs, they either took care to keep themselves out of scrapes with the natives, or having got into them, extricated themselves therefrom in the best manner they could, from knowing they had no kind of claim to the interference of those who acted for the Company. Such restrictions on travelling as have been mentioned were certainly necessary and prudent, with regard to the servants of, and dependents on the Company, while the country continued in so unsettled a state; but there can be no longer need of them now, at least in those countries which are under the immediate power of the English Sovereign-company. Yet it will be shown in subsequent chapters, in what degrees the Company and their representatives, in later times, have availed themselves of that obsolete restriction, to promote their own pernicious monoplies of the inland trade, and for the favouring of partial private views.

The whole trade of the English East India Company in Bengal consists in the sales of broad-cloth, perpets, copper, iron, lead, and a few other commodities from Europe; and in the purchase of piece-goods, silk, drugs, saltpetre, and other articles for the cargoes of their returning ships. The Dutch, besides their European imports and exports, carry on a considerable trade, on their Company's account, from port to port in India, particularly in Japan copper, tin, camphire, benjamin, tuthenaigue, sugar, spices, china-ware, arrack, &c. but the only trade of this kind carried on for account of the English Company, is a little ophium sometimes, from Bengal to Bencoolen, about 600 bales of cotton on a ship now and then from Bombay or Surát, as tonnage offers, and a little pepper from Bencoolen to China: all of which is very inconsiderable.

All the goods imported by the English Company into Bengal are sold at stated periods by public auction, or, as it is termed in India, *at Outcry*; and upon the sales, a discount of nine, six, or three per cent. is allowed, according as the purchaser clears out his goods within the limited time. To these outcrys all persons, without distinction, are invited by the allowance of a dustuck for such goods as they there purchase, which is given by the Governor upon their clearing them out.

The provision of the investment *, for the cargoes of the ships returning to Europe, is made from ready money advances in the inland countries, partly under the direction of the Chiefs and Residents at the Company's subordinate factories of Chittigong, Luckypore, Dacca,

* By investment is now understood the goods purchased at first hand, from the weavers, or manufacturers.

Cossimbazar,

Cossimbazar, Maldah, Patna, Burdwân, and Midnapore, who send black gomástahs into the interior parts for that purpose, and partly by black gomástahs at the other Aurungs, or manufacturing towns, under the direction of a member of the Board of Council at Calcutta, who fills the post of export-warehouse-keeper.

The sole lawful difference between the trade of the English Company, and the trade of English free merchants and free mariners, as it was ever understood and practised in India during the independency of the Mogul government, was, that the Company's goods, by virtue of the Mogul's firmaun, confirmed afterwards by the usurping Nabóbs in their treaties with the Company, passed with their dustuck, duty-free, while those of the free merchants and other traders were exposed to the payment of the duties established by the country government.

The Portugueze have, for a considerable time past, scarce carried on any regular trade at their settlement of Bandell. The Dutch, French and Danes, the latter of whom at their settlement of Scrampore obtained their súnnud from the Nabôb Allaverdy Khawn about twenty years ago, likewise ought to possess their privileges of trading in all articles without exception; paying no duties on such goods as they import, but only two and one half per cent. at Hoogly upon what they export by sea, and conforming in all other articles of trade to the established customs of the empire. They likewise possess a small district of land round each of their settlements, and have been always used to give their respective dustucks along with their goods.

The Armenians, who have ever been a great commercial body in Hindostân, have also long had considerable settlements in Bengal, particularly at Sydabâd. Their commerce was likewise established by the Mogul's firmaun, whereby the duties on the two principal articles of their trade, piece-goods and raw silk, were fixed at three and one half per cent. But after the subversion of the Mogul empire, and during the reigns of the independent Nabôb-usurpers, they, as well as the Europeans, were at times exposed to great impositions, and interruptions of their trade. At present, since the English Company have taken the sovereignty of the country into their own hands, they all trade under the appearance of the old forms, subject in all places within the Bengal provinces, out of the jurisdiction of their respective settlements, to such regulations as the English are pleased to impose on them *, through the nominal Nabôbs; which regulations on many occasions

* When the foreigners prove refractory, the Fowzdár of Hoogly is made to surround their settlements with troops, in the name of *the Nabôb*, to stop their provisions, and obstruct their business. This has actually been frequently practised.

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amount to a total prohibition of their trade, being in general temporary, contradictory, and wholly calculated for obstruction.

The difference also between the lawful trade of the Company's servants and that of English free merchants and other persons residing under the Company's protection was, that the covenanted servants of the Company, as hath been observed in another place, were by connivance of the country government, and long established usage, indulged with dustucks for the carrying on of their trade duty-free, while the others, for want of that dustuck, were subjected to the payment of the government duties. It is true, the inconveniencies and impositions which the want of this dustuck exposed the European free traders to, were such as generally induced them to prefer contracting with the Company's servants for the delivery of such goods as they wanted in Calcutta; and it in fact amounted to an almost total exclusion of them from the inland trade, from one place to another, which, when Bengal flourished, was generally very beneficial.

With respect to the trade that was actually carried on within the Company's principal settlements of Calcutta, Madrass and Bombay, all were, or ought to have been upon an equal footing.

Such was the situation of trade before the English Company made themselves the Sovereigns of Bengal: and this representation is agreeable to the ideas of the former Courts of Directors in England; who, in their general letters to India down to the year 1757, and particularly in that year, gave their express sentiments and directions upon this subject to their different presidencies, in this manner. "That all persons under "the protection of the Company should have the liberty of resorting "to, and trading at all and any of the Company's settlements in the East "Indies, and at all other places within the Company's limits, in as full, true and extensive a manner as the rest of the Company's servants; "they paying the duties according to the usual and customary methods "and rates established at such places." And about the same time, in order to ascertain the rights of persons residing upon the western coast of Sumatra, the Court of Directors were also pleased to give their sentiments to their President and Council at Bombay in the following words. "All "persons residing upon the west coast of Sumatra, who shall resort to, "or trade, either by themselves or their agents, at Fort St. George, Fort "William, or Bombay, and their respective dependencies, are to buy "and sell publicly or privately, as they themselves shall choose; dealing freely, and without restraint with whomsoever they shall think "proper; and if, contrary to this article, they shall be oppressed or "injured by any person whatsoever, such person or persons, let their

"rank bé what it may, will incur our higheſt diſpleaſure, and ſhall "certainly feel the weight of our reſentment."

Thoſe were the judicious orders given for the protection of trade by former Courts of Directors: and by the repreſentation which has been juſt given of the nature of the Engliſh Company's trade in India, the reader, who is a merchant, will eaſily ſee that upon a footing of fair trade, it muſt be ever for the intereſt of the Company; though not for that of their ſervants, to encourage private traders of all nations, in India, for theſe obvious reaſons; that the more traders, the more purchaſers of the Company's ſtaple imports, the ſales of which would be the more induſtriouſly puſhed in every corner of India; and the more providers of goods at the manufacturing towns, the more the manufacturers would be encouraged, and upon a free inland trade, the more goods would come to market. But ſince the Engliſh Eaſt India Company have become the Sovereigns, they and their ſubſtitutes have been excluſively the ſole merchants of Bengal, and ſeem to have adopted ſentiments as repugnant to the true ſpirit of mercantile affairs, as could poſſibly be conceived: nay they have of late even ventured to aſſert, that they alone have a right to trade *in India;* and in conſequence of that abſurd opinion, they have directed certain merchants, inhabitants of Calcutta, not to trade; alledging, very nicely, that though they might have a legal right to reſide at their ſettlements, they could have no right to trade there; which is the ſame thing as telling a man he may have a right to live, but no right to uſe the means of his profeſſion for acquiring wherewithal to ſupport life.

It is true, that ſuch reſtrictions have never been laid but upon particular perſons whom the Company deſigned to oppreſs and cruſh. But how miſerable and deſpicable muſt that ſtate of the government of the Company's affairs be, wherein the general ſyſtem of juſtice is ſtopped and perverted, for the ſake of oppreſſing an individual!

It is true alſo, that this abſurd doctrine has never been maintained or enforced till within theſe ſix years paſt; ſince which time every manœuvre of thoſe who govern the Engliſh Eaſt India concerns, and particularly in Aſia, ſeems to have been calculated with a view to facilitate the monopolizing of the whole interior trade of Bengal. To effect this, inconceivable oppreſſions and hardſhips have been practiſed towards the poor manufacturers and workmen of the country, who are, in fact, monopolized by the Company as ſo many ſlaves. This ſpecies of monopoly has occaſioned frequent complaints from the agents of the French and Dutch Companies: the latter of whom, upon a late diſpute,

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made proposals to the English for a participation of the weavers. As nothing can shew the state of the Company's inland trade in Bengal better than the words of their President and Council at Calcutta upon this very subject, we will give them, as contained in part of the 62d paragraph of their General Letter to the Directors, dated the 14th September 1767, which were as follow.

" A participation of the weavers would be *to throw off the mask*, and " acknowledge ourselves the sovereigns of the country. It would coun- " teract, in the most expressive manner, *the professions we make, the* " *appearances we necessarily assume, and the endeavours we use of seeming* " *to act from the Nabôb's authority only*. In a word, the disproportion " of hands necessary to form their investment and yours would appear " *so great*, that we could not accept the proposals of participation, " without confessing all that *policy requires should be concealed*."

Various and innumerable are the methods of oppressing the poor weavers, which are daily practised by the Company's agents and gomástahs in the country; such as by fines, imprisonments, floggings, forcing bonds from them, &c. by which the number of weavers in the country has been greatly decreased. The natural consequences whereof have been, the scarcity, dearness and debasement of the manufactures, as well as a great diminution of the revenues: and the provision of the Company's investment has thereby now become a monopoly, to the almost entire exclusion of all others, excepting the servants of the Company highest in station, who having the management of the investment, provide as much as their consciences will let them for the Company, themselves and their favourites; with excepting also the foreign Companies, who are permitted to make some small investments, to prevent clamours in Europe.

As our 14th chapter particularly treats of the general modern trade in Bengal, and of the oppressions and monopolies which have been the causes of its present decline, we shall here refer our readers thereto, for what farther relates to such matters.

CHAP.

CHAP. IX.

OF the COURTS of LAW eſtabliſhed by the CHARTER granted to the COMPANY; and of the GOVERNMENT, POLICE, and ADMINISTRATION of JUSTICE in BENGAL.

IN all countries the right adminiſtration of juſtice is the foundation of national proſperity; as, on the contrary, the groſs and partial abuſes of it, will ever prove the ſources of inevitable ruin.

Deſpotiſm and arbitrary violences are not more pernicious to individuals than they are unpropitious to trade, and hurtful in their conſequences to a ſtate. Without great perſonal ſecurity, there will be no extraordinary exertions of induſtry, nor indeed ſtrong applications of any kind. Even fortunes will be conſidered as hardly worth acquiring, if the poſſeſſion of them be rendered too precarious; and ſtill leſs will men be inclined to hazard ſuch as they inherit, in commercial undertakings, if not protected by ſalutary and well-executed laws; becauſe property ſo employed will be always in danger from the abuſes of extreme power.

Wherever the legiſlative and executive powers are lodged in the ſame hands, whether of one or more perſons, they, together, may be conſidered to conſtitute complete deſpotiſm; becauſe, there, will exiſt, the overbearing power of making, altering, abrogating, interpreting, and executing laws at will.

In a great degree, the Engliſh Eaſt India Company has been inveſted with ſuch powers, by the authority given them as a body-corporate, to make bye-laws for the regulation and management of their own concerns, although with the precautionary proviſo, that ſuch bye-laws ſhall be agreeable to reaſon, and not contrary or repugnant to the laws of the realm. This is a power which perhaps might be ſafely truſted, where its operations muſt be within the immediate reach of the laws of the land, or even farther, if merely confined to commercial undertakings. But this high truſt in the India Company, which is exerciſed by their deputies, and even by the dependents on thoſe deputies, from unforeſeen events, has extended in the moſt remote regions of the globe, to large, wealthy and populous provinces, now appertaining to the ſovereign and ſtate of Great Britain; where the laws of this kingdom can afford little protection to thoſe who go from hence to In-

dia, and none at all to the natives of thoſe countries; who, nevertheleſs, are now the ſubjects of the ſtate, and ought to be under the protection of the ſupreme legiſlative power. This high truſt, which, at preſent, thus deſcends to a ſecond and even third delegation, and may be made productive of all kinds of injuries and oppreſſions to many millions of people, is actually executed, at an immenſe diſtance from the ſeat of government, by ſuch perſons as are too frequently moſt intereſted in the practice of oppreſſions, and almoſt every ſpecies of injuſtice and violence.

In all national ſettlements, Engliſhmen live under the protection of the laws of their country; of the full enjoyment of which right, there is no power in this kingdom which can conſtitutionally deprive them. And accordingly the laws of England have expreſsly appointed, that juſtice is to be adminiſtred in the Company's ſettlements in India according to the Engliſh laws, not only to the natives of this realm, but to foreigners who reſide there under the Company's protection, and likewiſe to ſuch of the natives of India as chooſe to appeal to them. Such is the ſpirit of the laws made here with reſpect to juſtice in India; but there have been furniſhed, by certain unconſtitutional powers given to the Company, that which has in practice ſo corrupted, or perverted the letter of the law, as to render it little better than a convenient covering to abuſe.

In England, the Sovereign appoints the judges, who are conſtitutionally the expounders of the laws and preſiding magiſtrates in the tribunals of diſtributive juſtice. But that they may continue entirely uninfluenced in the diſcharge of their truſts, the Sovereign who appoints them, cannot diſmiſs them from their offices. This can only be done by an impeachment in parliament, on an exhibited charge of high crimes and miſdemeanours in their official capacities, on which they are brought to trial at the bar of the houſe of peers: ſo very guarded are the ſtations of judges againſt undue influence in this kingdom.

Upon a repreſentation being made to the Crown by the Eaſt India Company, that "*by a ſtrict and equal diſtribution of juſtice* within the "factories and places belonging to them in the Eaſt Indies, and other "parts within their limits, from the Cape of Good Hope to the Streights "of Magellan, they had very much encouraged, *not only the ſubjects* "*of Great Britain*, but likewiſe the ſubjects of other Princes, and the "natives of the adjacent countries to reſort to and ſettle in their ſeveral "factories, for the better and more convenient carrying on of trade; "by which means ſome of the ſaid factories, and eſpecially the factories

" of Madrass, Bombay, and Bengal, were become very populous:" and " upon the petition of the said Company farther suggesting, that the " granting them such powers as might conduce to the punishing of " vice, administring of justice, for the trying and punishing of capital " and other criminal offences, and the better government of their said " settlements abroad; would not only tend to the advancement of those " good ends, but also to the increase of the national trade, and of his " Majesty's revenues," the two charters of justice of the 24th Sept. in the 13th year of Geo. the Ist. (1726) and of the 8th Jan. and 26th of Geo. the IId. (1753) were, in pursuance of several acts of parliament passed for that purpose, granted to the East India Company.

It was upon a representation from the Company, that it had been found, by experience, that there were some defects in the first-mentioned charter (of which notice will be taken hereafter) that the surrender of the first charter was accepted, and the second granted them. The courts of justice established by the authority of the British legislature in the Company's principal settlements, especially in Bengal (of which we more particularly treat) as appears by the charter last-mentioned, are the following.

First, The Mayor's Court; being a Court of Record, consisting of a Mayor and Nine Aldermen, Seven of which Aldermen, together with the Mayor, must be natural-born British subjects; and the other Two Aldermen may be foreign protestants, the subjects of any other Prince or State in amity with Great Britain; which Court is appointed a body politic and corporate, to have perpetual succession; and, being persons capable in law to sue and be sued, they, or any Three or more of them, (whereof the Mayor or Senior Alderman for the time being, then residing in the settlement, to be One) are authorized to try, hear, and determine all civil suits, actions and pleas, between party and party, that may arise within the said factories, except such suits or actions should be between the Indian natives only; in which case such suits or actions are to be determined among themselves, unless both parties shall by consent submit the same to the determination of the Mayor's Court. And this Court is further authorized to grant probate of wills, and letters of administration for the estates of persons dying intestate.

For putting this charter in execution, instructions have been sent out by the Company, as drawn up by their lawyers, for the direction of this Court, as to the form and method of their proceedings; which is by bill and answer, in imitation of the proceedings in the High Court of Chancery; but the Court of Aldermen, or a quorum of three of them, as above mentioned, when the cause is at issue proceed to hearing, and the

the giving of judgment in matters of the greateſt concern, without ever appointing a jury to find damages, as is the cuſtom in England.

The Governor or Preſident and Council of Calcutta have, by charter, the appointment of the ſaid Mayor and Aldermen, who, after that nomination, are to continue for life in their reſpective offices of aldermen: but this continuation in office is ſtrangely circumſtanced; for the ſame Governor and Council are impowered to remove, without even the concurrence of the corporation, any alderman, upon a reaſonable cauſe, of which they are left the ſole judges in India; ſuch their ſentence or adjudication of removal being only ſubject to an appeal to his Majeſty in Council, in England.

The Second Court is THE COURT OF APPEALS, being alſo a Court of Record, conſiſting of the ſaid Governor and Council, any three of whom, the Governor, or in his abſence the Senior of the Council being one, are authorized by the charter to receive, hear and finally determine every cauſe appealed from the decrees of the Mayor's Court, in which the value ſued for does not exceed one thouſand pagodas, or about four hundred pounds ſterling; and from all their deciſions in cauſes above that ſum, there lies an appeal to the King in Council, upon ſecurity being given for the payment of the ſum adjudged, with intereſt from the time of the decree, and coſts of ſuit.

The Third Court is THE COURT OF REQUESTS, conſiſting of Twenty-four Commiſſioners, ſelected originally by the Governor and Council from among the principal inhabitants of Calcutta, who are appointed by the ſaid charter to ſit every Thurſday, with powers to hear and determine ſuits in a ſummary way, under ſuch orders and regulations as ſhall from time to time be given by a majority of the Court of Eaſt India Directors; which Commiſſioners, or any three or more of them, are to ſit in rotation, and have full power and authority to determine all ſuch actions or ſuits as ſhall be brought before them, where the debt or matter in diſpute ſhall not exceed the value of five pagodas, or forty ſhillings. One half of the number of the Commiſſioners, being thoſe who have longeſt ſerved, are removed by rotation annually, on the firſt Thurſday of December, and an equal number are choſen by ballot from among themſelves.

By the ſaid charter the Governor of Calcutta, and all the members of the Council for the time being, and they only, are appointed, and have power to act as juſtices of the peace in and for the ſaid town of Calcutta, and all other the factories ſubordinate thereto, with the ſame powers as juſtices conſtituted by commiſſions under the great ſeal of Great Britain, in and for any part of England.

The

The Fourth Court is THE COURT OF QUARTER SESSION, consisting of the said Governor and Council for the time being, any three or more of whom, the Governor, or in his absence the Senior of the Council then in Calcutta to be one, are authorized to hold quarter-sessions of the peace four times in the year, within the districts of Calcutta, and were at all times thereafter to be a court of record, in the nature of a Court of Oyer and Terminer and Gaol Delivery; and Commissioners of Oyer and Terminer and Gaol Delivery for trying and punishing of all offenders and offences (high-treason only excepted) done or committed within the districts of Calcutta and the factories subordinate thereunto; and it is thereby ordained to be lawful for the said justices and commissioners respectively, to proceed by indictment, or by such other ways and in the same manner as is used in England, or as near as the condition and circumstances of the place and inhabitants will admit of, issuing their warrant or precept to the Sheriff, (who is likewise elected and appointed by the said Governor and Council) commanding him to summon a convenient number of the inhabitants to serve as Grand and Petit Juries; and the said Justices are also authorized to do all other acts that Justices of the Peace and Commissioners of Oyer and Terminer and General Gaol Delivery usually and legally do; and the Court may assemble and adjourn at and unto such times and places as they shall judge convenient.

By the said charter, the East India Company and their successors are authorized to raise forces within their said limits, and to appoint such generals and officers to command the same by sea and land as to them shall seem meet; with powers to make war, and to kill, slay and destroy all and every such person or persons as may at any time enterprize the destruction, detriment, or annoyance of them, or of any of their servants, or persons dealing with them; and in time of open hostility they are authorized to use and exercise martial discipline and the law martial, in such cases as occasion shall necessarily require. In support of these very extraordinary privileges, granted by such extraordinary stretches of prerogative and power, to a body of merchants over their fellow-subjects, in the twenty-seventh of George the Second an act of parliament was also passed, entitled, An act for punishing mutiny and desertion of officers and soldiers in the service of the United Company of Merchants of England trading to the East Indies, whereby the Company and their representatives, the Presidents and Councils for the time being at their several settlements, are authorized to appoint courts-martial for the trial of their officers and soldiers for all offences, to be tried

tried and proceeded against in such manner as by the said act is directed.

And by virtue of the said royal charter or letters patent, all such fines, forfeitures, penalties and sums of money, as may be set or imposed upon any person or persons in the course of justice in the said several courts, are given to the said United East India Company, whose Directors for the time-being, or the major part of them, or their Presidents and Councils, are, under certain restrictions, also authorized to make and ordain bye-laws and ordinances for the good government and regulation of the said several corporations and courts, and to impose reasonable pains and penalties upon all persons offending against the same.

Besides the above-mentioned courts, established in Calcutta by the royal charter of justice, there are two others still subsisting, which were granted or connived at by the Moguls or the Nabôbs of Bengal formerly, when the Company were totally dependent on the COUNTRY GOVERNMENT, as they call it. These were courts, if they may be so called, that were allowed the Company for the preservation of order and good government in Calcutta, and in the very limited districts formerly belonging to it, when they had no other authority for the exercise of any judicial powers.

One is the COURT OF CUTCHERRY, which, on its present establishment, is composed of the Company's servants under Council, any three of whom, their President being one, upon days stated at their own option, meet for the hearing, trying and determining, in a summary way, all matters of *meum* and *tuum* to any amount, wherein only the native inhabitants of Calcutta are concerned. The mode of proceeding is indeed as summary as possible. The plaintiff and defendant, with their respective witnesses, being summoned, the Court hears what they have to offer and prove, *vivâ voce*, and immediately proceed to decree in such matters as do not admit of much contest. From the decisions of this Court the Company have directed appeals to lie finally to the Governor and Council; which however is seldom done, except in matters of the greatest consequence, as it is in those cases the general practice of the Court, when not unduly interrupted, to have every cause determined by arbitrators or umpires, chosen by the parties, or with their consent; whose decision is final, and made a decree of the Court.

The other CUTCHERRY is called the ZEMINDARY, or FOWZDARY COURT, in which, according to late practice, presides a member of the Board of Council, or sometimes a servant under Council, alone; his business

business is to enquire into complaints of a criminal nature among the black inhabitants, and in cases where the natives do not apply to the English established courts of justice; in which cases the charter, as we have already seen, directs, that the English laws only shall be observed. He proceeds also in the above summary way to sentence and punishment, by fine, imprisonment, condemnation to work in chains upon the roads for any space of time, even for life; and by flagellation, in capital cases, even to death. The ancient Moguls and Nabôbs would not permit any of the professors of Islām to be hanged according to the English custom, esteeming that too ignominious a death for a Mahomedan to suffer; therefore, in such cases as were deemed capital, the lash was permitted to be inflicted until death; but the officers of the Court called *Chawbuckswârs*, or Lashbearers, are sometimes so dextrous as to be able to kill a man with two or three strokes of the Indian chawbuck. In cases which, according to the usage of this Court or Office, are deemed to deserve death, it has been usual for the Zemindár first to obtain the approbation of the President and Council, before the fatal stroke be given.

Besides the above-mentioned, there is another CUTCHERRY, called THE COLLECTOR'S CUTCHERRY, which has been established in Calcutta ever since the Company had any thing to do with the collection of ground-rents. By the treaty of June 1757, the Nabôb Jaffier Ally Khawn *granted* to the English Company, as *Zemindárs*, all the lands about Calcutta, to the extent of six hundred yards without the ditch called *The Marahtah Ditch* *, which partly surrounds the town, and likewise the land lying south of Calcutta, generally known by the name of the Twenty-four Pergúnnahs; all which is now under the jurisdiction of the Collector, who is generally a member of the Council, though sometimes a junior servant. This officer has charge of the collection of the revenues of those districts, and superintends, nay absolutely directs all judicial matters arising within the jurisdiction of the said Twenty-four Pergúnnahs. He is, from the nature of his office, greatly concerned also in the police of the town of Calcutta, issuing under the Company's seal the leases called *Pottahs* to the inhabitants, for the tenures of their houses and grounds, repairing the roads and disposing of the petty farms, which constitute a considerable part of the revenue of the town of Calcutta; granting licences to the natives to marry, on which the Com-

* This means a ditch so called, which, in the year 1742, the inhabitants of Calcutta, by permission of the Governor and Council, undertook to dig at their own expence, and carry round the settlement, as a security against the incursions of the Marahtahs.

pany alſo collect a duty (three Sicca rupees from each party) as well as on the ſales of regiſtered ſlaves and new-built ſloops. All grain brought into the Gunges or public granaries, as well as every neceſſary of life, with many other articles brought to the Bazárs or public markets in Calcutta, pay a duty upon importation, the collection of which is ſuperintended by this Collector. The privilege of exerciſing many handicraft-trades is likewiſe farmed out by the Collector to farmers, who collect from ſome a certain ſum for the licence of exerciſing their reſpective trades, and from others even a part of their daily wages. The collection of many of theſe taxes gives occaſion to great oppreſſions from the farmers, and the numberleſs harpies who are neceſſarily employed as tax-gatherers, and are in general of great prejudice to induſtry and population among the lower claſs of people, who are harraſſed on all ſides; for it is even a common thing to ſee the ſeapoys, who are ſtationed as guards at different places, take from the poor as they paſs to market ſomething out of every one's baſket. The principal or head Cutcherry of this officer is in Calcutta, where he tranſacts the buſineſs of his department, and where the farmers and tenants under his juriſdiction who are backward in their payments, as well as others for crimes and miſdemeanors, are confined, whipped, and otherwiſe puniſhed, independently of the other courts eſtabliſhed in Calcutta.

All other matters of policy, government and police, are uſually executed by the Governor and Members of the Council at Calcutta, or by a Secret or Select Committee, compoſed of part of the ſaid Council; which Committee has of late been entruſted by the Court of Directors with powers independent of and ſuperior to thoſe of the whole Council. The original intention of the appointment of a Select Committee was for conducting the Company's military and political operations with ſecrecy; but the Governors and Committees in Bengal, who have of late been entruſted with ſuch extraordinary powers, have turned them very conveniently to their emolument, and the ſerving of their own private views, having for that purpoſe extended their juriſdiction, without limits, to all affairs, commercial, civil and criminal, as well as military and political, wherein a pleaded neceſſity of ſecrecy has been made to authorize all kinds of arbitrary and unwarrantable acts.

The Governor, who is likewiſe Commander in Chief of all the Company's forces, is always Preſident of theſe Select Committees; and, by the eſtabliſhed regulation of the Company's ſervice, is the perſon to whom all correſpondence, by letter or otherwiſe, with the COUNTRY POWERS is committed, and the only perſon in the ſervice to whom ſuch correſpondence, of any ſort, is allowed: the ſubſtance of which he has entirely

tirely in his power to lay before his Committee or Council, at such time, and in such form as he pleases, without any check or controul: so that the Company's collectors, *the pretended Nabôbs of Bengal* (whose total dependency and servitude we have fully set forth in our sixth chapter) in fact know no other power than that of the Governor of Calcutta *, whose orders are by them implicitly executed in all those districts that are without the bounds of the jurisdiction of the charter, which is confined to the tract within the Marahtah Ditch, and does not even extend to the shore of the river which is opposite to the town.

The Governor has been of late also allowed, or has assumed, the privilege of granting dustucks to such persons, not servants of the Company, as he thinks proper, which enable them to trade duty-free.

Besides the abovementioned extraordinary privileges, the Governor, from the present and late usage of the service, possesses likewise a power which is of worse consequence to the natives in the settlement than any we have yet taken notice of, over whom it gives him the most unbounded authority, though it may be scarcely known to many Europeans who have resided in Calcutta. This is the privilege of settling the affairs of the casts, or tribes of the Hindoos, by which means any individuals among them may be made outcasts from their families and friends, and even whole families may be branded with infamy never to be effaced; so that none of their connections, or others of the esteemed tribes can on any account eat or drink in their company, without incurring themselves the same infamy; nay, or even touch them, without being necessitated to an expiatory ablution in the Ganges. The consequence of this privilege, which has been of late entirely left to the Governor, and by him generally delegated to *his Banyan*, can only be conceived by those who are acquainted with the religious tenets and superstition of the Gentoos.

It becomes in this place necessary, for the information of the reader, to explain what a Banyan is, as those Banyans have in fact a principal

* See part of a letter from two gentlemen of the Council in Bengal to the Court of Directors, dated Fort-William, the 14th January 1766, *Authentic Papers concerning India Affairs*, page 205, as follows.

"We must here take notice of a source of power and influence, which any Governor, in the present "state of affairs, has over your other servants, that of stopping the trade in the country of any who "become obnoxious to him. His authority over the officers of the government will lead them "eagerly to anticipate his resentments, and a hint to them will suffice. The correspondence with "the officers being confined to the Governor, he has it in his option to give what private orders he "pleases, and which would be certainly obeyed without his name ever appearing. Such is his power "over the inhabitants of this country; and such the nature of the people, that every one will be "ready to bear testimony to whatever they think will be agreeable to him. Thus he bears the "most absolute command over the trade and fortunes of your servants, without controul; which "appears to us a very dangerous sway."

 share,

ſhare, as deputies and interpeters, in every department of the government, as well as of the commercial concerns of the Engliſh Eaſt India Company in Bengal.

A Banyan is a perſon (either acting for himſelf, or as the ſubſtitute of ſome great black merchant) by whom the Engliſh gentlemen in general tranſact all their buſineſs. He is interpreter, head book-keeper, head ſecretary, head broker, the ſupplier of caſh and caſh-keeper, and in general alſo ſecret-keeper. He puts in the under-clerks, the porter or door-keeper, ſtewards, bearers of the ſilver wands *, running footmen, torch and branch-light carriers, palanqueen bearers, and all the long tribe of under-ſervants, for whoſe honeſty he is deemed anſwerable; and he conducts all the trade of his maſter, to whom, unleſs pretty well acquainted with the country languages, it is difficult for any of the natives to obtain acceſs. In ſhort, he poſſeſſes ſingly many more powers over his maſter, than can in this country be aſſumed by any young ſpendthrift's ſteward, money-lender and miſtreſs all together; and farther ſerves, very conveniently ſometimes, on a public diſcuſſion, *to father ſuch acts or proceedings as his maſter dares not avow.*

There is a powerful ſtring of connections among theſe Banyans, who ſerve all the Engliſh in the ſettlements of Bengal, as well in all public offices as in their private affairs.

Since the great influence acquired there by the Engliſh, many perſons of the beſt Gentoo families take upon them this truſt or ſervitude, and even pay a ſum of money for ſerving gentlemen in certain poſts; but principally for the influence which they acquire thereby, and the advantage of carrying on trade, which they could not otherwiſe do; and which in this ſituation they frequently do, duty-free, under cover of their maſters duſtucks. There have been few inſtances of any European acquiring ſuch a knowledge in ſpeaking, reading and writing the Bengal language (which is abſolutely neceſſary for a real merchant) as to be able to do without ſuch a Head-banyan.

Beſides the powers already taken notice of, the Company, and under them the Governor and Council, pretend, that, by the charter, they have a right at any time, at their pleaſure, to ſeize any European ſubject in India by military force, without any form of legal proceſs, and to ſend him a priſoner to England, if he refuſes to go voluntarily, after having had what they deem a reaſonable notice given him; notwithſtanding ſuch perſon went out and eſtabliſhed himſelf in India with the licence of the Company: which pretended right, as we have ſeen in another place, the Company and their ſaid ſervants actually and frequently

* Called *Chaubdârs* and *Soontaburdârs.*

do

do exercise suddenly, and without controul, sometimes even against the established magistrates of the Mayor's Court.

Having thus given a brief account of all the courts established and now existing in Calcutta, and of the powers granted to them, or assumed by those members of the community who compose the principal wheels in the machine of this monstrous government, we come of course to our considerations on the extent and consequences of those powers, and certain circumstances attending them, which we will afterwards exemplify by real matters of fact.

By the charter of the 13th of George the First, the Mayor's Court had the power of electing their own members to fill up all vacancies: and while such continued to be the practice, that court was the bulwark of all security with regard to property in the settlement, and might be considered, in a great degree, as independent. Indeed it was so much so at that time, (before the Company had adopted, in so common and frequent a manner, the practice of seizing persons and sending them prisoners to England) that it was deemed inconvenient to the Company, who had many decrees given against them: and this was thought the grand defect before hinted at; against which, though not expressed, the Company petitioned the crown, and obtained the charter of the 26th of George the Second, whereby the right of electing Aldermen was transferred from their own body to the Governor and Council, who thereby had this unconstitutional power given them of making and unmaking the Judges.

This court is composed partly of Company's servants, and partly of free merchants; and such Aldermen, not being covenanted servants, as are esteemed to be complaisant to the measures of GOVERNMENT, as there called, are generally indulged by the Governor with the privilege of dustucks for carrying on their private inland trade duty-free; which, as we have before observed, according to the usage of the service, has been otherwise confined to the Company and their servants only: for it must be remarked, that the salary of an Alderman is only about twenty-five pounds per ann. which will scarcely pay one month's house-rent in Calcutta.

The President and Council, in their capacity of a Court of Appeals, decree decisively in all matters under four hundred pounds; consequently in suits wherein the Company, or the said Governor and Council are concerned, there is little chance of justice being had, except where the subject in contest amounts to above that sum, and when the aggrieved party can bring his cause from India in an appeal to that respectable tribunal, the Sovereign and Council of England; for which he must be able to afford a very heavy expence; to subject

 himself

himſelf to great trouble and long delays; to incur the odium of the gentlemen in the government of Bengal, and to ſuffer the dreadful effects of their power.

The liberty of an appeal to the King in Council, allowed by charter in the caſe of an Alderman diſmiſſed from his office in the Mayor's Court, is made perfectly illuſive in the caſes of Britiſh ſubjects. Suppoſe the diſmiſſed magiſtrate comes home to proſecute his appeal, and that the ſentence of his amotion be reverſed by that tribunal, the law ſays, that no Britiſh ſubject ſhall go to India without the licence of the Company, and the charter expreſsly ſtipulates, that if any Alderman be abſent from Calcutta for the ſpace of twelve months, his place or office ſhall be void. The Company refuſing their licence for him to return, he muſt firſt go to law with that powerful body, to oblige them to grant their licence; if he ſhould obtain this, and return to India, they may again remove him for having been too long, though neceſſarily abſent, and thus they may continue referring him from England to India, and from India to England, almoſt as long as they pleaſe.

The Court of Requeſts is, in fact, the only Court in Calcutta which, from being under little or no undue influence, is of real and eſſential ſervice to the poor inhabitants, and this principally becauſe the members fill up all vacancies in the Court by ballot among themſelves, and becauſe the matters in conteſt, being confined to forty ſhillings, muſt in general be beneath the notice or interference of the Governor or Counſellors.

The ſaid Governor and Members of the Council, being the only juſtices of peace, can and do frequently refuſe to take cognizance of complaints laid before them, on oath, for redreſs in lawful caſes, when they, or the Company, are any way intereſted in them: and in the ſame caſes, when ſitting on the bench at the General Quarter Seſſion as judges, they have frequently put a ſtop to the due courſe of proceedings on the moſt * frivolous pretences, or adjourned the Court from time to time, to evade the enquiry, while the injured parties have been left without reſource.

* Such as, "that the perſons called upon by the proſecutor were ſervants of the Company, "entruſted with the knowledge of the records and proceedings of the Governor and Council, "which they were bound by oaths to keep ſecret, under penalty of forfeiting the Company's "ſervice, and of other heavy puniſhments: That the proſecutor might call upon them as witneſſes, "in order to make them diſcloſe the proceedings of the Governor and Council of Calcutta, and "therefore *they, the Court*, could not but object to ſuch witneſſes giving evidence upon matters

As to the Cutcherries, particularly that called The Court of Zemindary, the business there is often carried on in so burlesque and ludicrous a manner, and it is so frequently made use of as a conveniency for oppressing the inhabitants, that, considering the Company's present situation, the relation they bear to *the Prince whom they call Mogul and their collectors whom they call the Nabobs of Bengal*, and, considering the powers they possess from the charter, of administring justice according to the English laws, it is a scandal to this nation that such Cutcherries are now permitted to exist in a British settlement, whatever may have been the necessity for them when the Company were dependent on the Mogul, and before they had obtained their charter of justice.

It is plain, from what has been said of the nature of other privileges and powers, whether rightfully possessed, or assumed by the Governors and Councils, that every European within the limits, and under the protection of the Company in Bengal (of whom the grand and petit juries are composed) is entirely dependent upon them and their Governors, or Governors and Councils, not only for all they have to expect towards making their fortunes, but for the security of their present possessions, as well as for their own personal liberty, *and even for that of their lives*; particularly, if they venture out of the very limited districts of the charter, into the *Nabob's dominions*.

It is scarce conceivable to what a low degree of eastern servile obedience the exercise of such oppressions, and the dread of being deprived of a fortune, or the means of making one, have reduced even the boasted free subjects of Great Britain in the settlement of Calcutta, where to appear sensible of the existence of an oppression, is a crime; to speak of it, treason: but it is a fact, that persons, who have been under the displeasure of the Governor and Council, have received letters from their most *esteemed* friends, excusing themselves from not coming to visit them, for fear it should be known they had been at such houses.

Upon a simple perusal of the foregoing, which is a just account of the state of Calcutta, with respect to the courts of law and justice, it must appear evident to every reader, that the state of justice there is very precarious; and that, in reality, it must be ridiculous to expect obtaining it in that settlement in any cases wherein the Governor, the members of Council or the Company are concerned; or wherein they choose, from what motives soever, to interfere; as the said Governor and Council, who are the dependent delegates of the Company, are the supreme justices and judges in all criminal and civil affairs, and at

the ſame time are the makers and unmakers of the mayor, aldermen, ſheriff, and all other officers; and farther, have not only the natives, but even the grand and petit juries at their mercy. In fine, this is ſo much the caſe, that the Mayor's, like every other Court in Calcutta (except, as before obſerved, the Court of Requeſts) is become rather a ſcourge in the hands of the Governor and Council than an inſtrument of relief to the injured: and juſtice in Bengal is made ſo much a political farce, that no one concerned in the adminiſtration of it dares ſo much as to hazard the giving of offence to any gentleman in power.

It is true, that by an act of the 27th of Geo. the IId. it is enacted, that "if any of the Company's Governors or Councils, at their reſpec-"tive principal ſettlements, or any of them, ſhall be guilty of oppreſſ-"ing any of his Majeſty's ſubjects beyond the ſeas, *within their re-"ſpective juriſdictions* or commands, or ſhall be guilty of any crime "or offence, contrary to the laws of England, ſuch oppreſſion, crimes, "and offences may be enquired of, heard, and determined in his Ma-"jeſty's court of King's Bench, within that part of Great Britain called "England, or before ſuch commiſſioners, and in ſuch county in Eng-"land as ſhall be aſſigned by his Majeſty's commiſſion, and by good and "lawful men of the ſame county; and ſuch puniſhments ſhall be in-"flicted on ſuch offenders as are uſually inflicted for offences of the like "natures committed in England:" which was repeated in another act of the 10th of his preſent Majeſty, with this addition, "that the offences "committed againſt that act may be alledged to be committed, and "may be laid, enquired of, and tried in the county of Middleſex; the "defendants in ſuch action or ſuit having liberty to plead the general "iſſue, and give the ſpecial matter in evidence, on ſuch defendant's "giving the plaintiff a note in writing of the ſubſtance of his defence "ſix or eight days before the trial of ſuch action."

Here the oppreſſed have the appearance of a remedy held out to them; but, upon examination, it will be found an appearance only. The great diſtance from England, and other diſadvantages, obvious from what has been already ſaid, together with the length of time and the expence neceſſary for ſuch undertakings, would in moſt caſes amount to an impoſſibility to proſecute; and which, in fact, would be impracticable in all caſes unleſs the injured party himſelf came over to England, where he muſt then wait till his oppreſſor comes within the juriſdiction of the court; who may perhaps continue to reſide in India for many years, and after all eſtabliſh himſelf in a foreign country. If it is the injured man's good luck to be able to ſerve the offending party

party with the process of the court within three or four years, he will then be put to the greatest difficulties with respect to evidence, which the laws of England so justly require to be *viva voce*. The Gentoos, natives of the country, from the ordinary course of business in Calcutta, most probably, are the injured man's principal witnesses; and if these people could even be induced to trust themselves on such a voyage, and in climates so unfavourable to them, yet they would otherwise be effectually prevented from coming to England, as their so doing would be to violate religious tenets, and make them incur the infamy of expulsion from their casts or tribes, which is what they would rather die than submit to suffer. This of course must necessitate the party in quest of justice to send out a commission to India for the sake of evidence, which, admitting that he could surmount the difficulties which must then beset him, will naturally prolong his suit for years: or, when his commission reaches Bengal, his witnesses may be in what they call the NABÔB'S DOMINIONS; where it may be easy for the Governor and Council to keep them concealed, to obstruct or evade the execution of the commission, and so prevent his obtaining any written evidence by any means whatsoever.

The legal jurisdiction, as we have already observed, which the Company derive from the charter and acts of parliament, as they now stand, extends, or is allowed to extend, only to the town or settlement of Calcutta, and some subordinate factories; the limits of all which together are of very small extent, and which they formerly held in subordination to the Moguls, or Nabôbs. But the jurisdiction now assumed and exercised by the Company and their substitutes is, in fact, entirely unlimited, and without check or controul throughout all the provinces called THE NABÔB'S, of which they collect the revenues. Provinces into which it has never been customary for writs to issue out of any of his Majesty's courts, established by charter, either civil or criminal, they having hitherto been deemed independent of any such authority.

The mercantile business of many of his Majesty's European subjects, and of such of the natives as can now find ways and means to carry on any, principally lies in those inland parts to which the said legal jurisdiction of the charter is not allowed to extend. It has been here that have been felt in the most extreme degree the ruinous effects of such monopolies, as it will be shewn in a subsequent chapter, were established and prosecuted under the cloke and sanction of the assumed powers of *the Dewannee*. Here his Majesty's defenceless subjects have been most exposed to oppression. It is here that the natives suffer un-

paralleled cruelties from the Company, or their servants, either acting by themselves, or through the Nabôbs, without even a probability of such injured persons ever obtaining justice, as they have no Nabôbs with a protecting power to apply to: and even the English laws, if duly enforced, leave them without remedy, because the oppression, in cases of complaint, is alledged to have been committed without the limits of the Company's districts, and ascribed to our Nabôb, who is made to father it, as the act of an independent Sovereign.

Great oppressions can never happen but from those in high power: and therefore the persons who are made to suffer them in Bengal will have to contend with the power and treasuries of the Company both abroad and at home. Besides, how few men who are dependent in the manner we have seen all must be who are under the power of the Company in Bengal, will dare to be instrumental, or assistant to the injured, in bringing to justice such oppressors as are sure of strong support? And how few will have the means, the application, the fortitude, or the perseverance requisite for the pursuit, through paths so very difficult and precarious, of that redress, which, when obtained, can hardly be hoped to prove in any degree adequate to the wrong suffered? From all which it must be evident that the appearance of a remedy, as held out to the oppressed in the acts of parliament now existing, is but shadowy and deceitful, even in the cases of European subjects: and if such are the evils to which Englishmen are exposed who go to reside in India, it may easily be imagined, from what has been already said, how much harder is the lot of the unhappy natives of those countries. Nevertheless they are a mild, civilized, and polite people, and every way deserving of the protection of the British laws; as it is upon their industry this nation must finally depend for whatever resources she may hereafter expect from those dominions.

Within the English settlement of Calcutta, the Members of the Board of Council, from acting at one and the same time in so many different capacities, have among the natives, who are in general ignorant of the English laws, the power of assuming that official character which best serves their purpose. Thus, whenever they choose it, they can, and do with great convenience, transfer the native complainant from the Counsellor to the Justice of Peace, from the Justice to the Zemindár's Cutcherries, and from the Zemindár to the Secret Committee, where each Member is bound to the other, under oaths of secrecy, not to divulge what passes. If the complaint be not totally quashed by these means, and those gentlemen are apprehensive that it may be revived within the settlement in some shape or other, through the assistance of some daring

person,

person, they have this last resource, of transferring the complainant, under any pretence, from the Secret Committee to the Nabob, where they can do what they please with him; and this mode of proceeding has been actually practised.

By such means, civil justice is entirely eradicated, and the whole inland country, where neither the English nor the country laws or usages have any force, is actually in a state of the most deplorable anarchy, under the despotic sway of one, or at most a very few English gentlemen and their Banyans; and to such a pitch of wretchedness and servitude have the natives been reduced, that their women (a point in which they are as delicate and jealous as any nation on earth) have been frequently taken from them, without their daring or being able to complain, either from the power of the violator, or from their having no person to complain to, from whom they can hope for redress.

We come now to the exemplification of what we have advanced, by real facts; in which the writer will either confine himself to matters of which he himself hath perfect knowledge, and can even produce proof, or to such others as appear well vouched, by authentic documents exhibited in different parts of this work; and we will begin with the Mayor's Court.

In consequence of a most extraordinary oppression in the inland parts of the country, of which particular notice is taken in our 13th chapter, an Armenian merchant, named Parseek Arratoon, on the 15th September 1767, filed a bill in the Mayor's Court against the gomástahs or agents of Governor Harry Verelst and Francis Sykes, Esquires, for 60,432 current rupees, or about 7500 pounds sterling, principal amount of salt, said to have been forcibly taken out of the plaintiff's warehouses. The cause was brought to an issue; and in the month of August 1768, on a day appointed for the hearing, all the proceedings and depositions were read and fully considered; the demand of the plaintiff established to all appearance, and judgment upon the point of being pronounced, when the Mayor, while sitting in judgment, received a *private letter* *, or note, sent from the Governor, to put a stop to the proceedings, because, as was alledged, he, the said Governor, was a party concerned in the cause, and was in expectation of settling matters by a private compromise. To the astonishment of the plaintiff's solicitor, who declared he knew of no compromise, and had received no instructions from his client

* The writer of these sheets being an Alderman of the Court, and having been absent when this extraordinary transaction happened, as soon as he heard of it wrote to the Mayor upon the subject, desiring to have a sight of the letter sent by, or by the order of the Governor, then Harry Verelst Esquire,

client upon this matter, the request contained in the letter or note was complied with, and a stop was at once put to the proceedings; the plaintiff, being left without any satisfaction.

After an instance of this sort, it may be thought needless to produce others of a less criminal nature. But it is notorious in Calcutta, that in cases wherein the said Governor and Council, or those of their connections have been any wise interested, private applications, by letter or otherwise, have been frequently received by the Court; who, setting aside the formalities of process as directed by the charter, have actually proceeded to hear and determine upon such private applications, particularly against the attornies or solicitors of the Court, who have found it a hazardous matter to undertake any suit in matters of arbitrary proceedings, wherein the Governor and Council have been in the least degree interested separately or collectively.

Upon the same principle of fear, or servility to the Governor and Council, the Court has frequently refused to grant copies of proceedings filed and entered on record in the Court, to persons interested in such proceedings, who required, and had a right to them; and the judges likewise have refused to accept of sufficient and unexceptionable bail, when it has been offered by a defendant for a bailable offence.

On other occasions, where a plaintiff, under the known displeasure of the Governor and Council, has brought his bill of complaint into Court against persons with whom the Governor and Council were materially interested in the event of the cause, the Court have officiously met, at their own mere motion, "*to consider and determine whether such "bill of complaint should be answered, pleaded to, demurred to, or dis-"missed,*" long after such bill had been regularly filed and admitted by the said Court, and this merely to effect the dismission of such bill, which hath afterwards followed; and the plaintiff has thereby been left remediless in matters of the greatest consequence.

Esquire, in consequence of which the proceedings had been stopped. After some days consideration, the Mayor wrote the following excuse, the original of which is now in the writer's possession.

"To William Bolts, Esquire.

"DEAR SIR,

"I should have sent you the note, as I promised, if I had found it; but having not met with it "among my papers, convinces me that I must have destroyed it, with other papers that I *deemed* "*useless*.

"I am, SIR, your most obedient servant,

"Calcutta, the 11th August 1768. CORNELIUS GOODWIN."

After

After such dismission, upon an application to the Court for copies, even the original bills and exhibits have been pretended to have been lost; when, on an examination before the Court, it has appeared on oath that they were carried to the Governor by an officer of the Court. The writer has authentic proofs of such proceedings in his possession.

However, the illegal proceedings of this Court are not confined to such matters only as the Governor and Council appear to be directly or indirectly concerned in; they are frequently as irregular in matters wherein they themselves are interested: but whatever remedies may be practicable to prevent the undue influence of the Governor and Council over this Court, there can be no effectual check to prevent this evil, as things are at present, but the consciences of the respective magistrates; who nevertheless, when they transgress from mere ignorance, are not, from their situation, so very blameable, being persons of mercantile professions, not bred up to the law, and who by the charter are obliged under a penalty, when elected by the Governor and Council, to accept of their offices, without even a recorder, who, were he a Barrister at law as in the corporations of England, might direct them to legal determinations in the execution of justice.

For facts relative to the proceedings of this Court, which are not fully exemplified in this place, not to swell this chapter to an enormous size, we beg leave to refer the reader to our Appendix, particularly to N° XXIV. page 38, the memorial of Mr. Thomas Hamilton, N° XXV. page 40, the answer of Cornelius Goodwin, Esquire, then late Mayor of Calcutta, (both addressed to the Mayor's Court;) N° XXVI. page 43, the memorial of Alexander Jephson, Esquire, to the Court of East India Directors, with the opinions of Sir William de Grey, Sir Fletcher Norton and Charles Sayer, Esquire, thereon; N° XXVII. page 55, the Case of Mr. Richard Whittall, with Mr. Dunning's opinion; and to N° XXVIII. page 73, the Memorial of Mr. Richard Whittall to the Court of East India Directors.

With respect to the facts relative to the proceedings of the Governor and Members of the Council in their multiform characters of Counsellors, Select Committee-men, Justices of Peace, Commissioners of Oyer and Terminer, Judges of Appeals, Makers and Unmakers of the Members of the Mayor's Court, Presidents of the Cutcherries, Zemindárs, Collectors, Delegates and Representatives of the English East India Company, the MOGUL'S DEWANS, and Makers and Un-makers of the Mogul, as well as of the Company's Rent-gatherers, now called *the Nabóbs of Bengal,* Merchants, or Sovereigns; all of which different characters

characters they can and do assume, as occasion requires: as it would in many cases be difficult to trace those gentlemen through their various metamorphoses, we shall briefly enumerate some principal transactions as they occur to us, without making any distinctions; only desiring the reader once more to observe, that it is not the *men*, but the *measures*, when they are bad, which we wish to expose, in order for procuring an effectual reformation.

A gentleman of the Council at Calcutta became indebted to one William Willson, a sail-maker, for work done in the way of his profession, amounting to current rupees 75–9–7; for payment of which the sail-maker sent in his bill, with a receipt annexed. The Counsellor, who happened at the same time to be Zemindár also, alledged the charges in the bill were exorbitant and unreasonable, and would neither discharge or give up the bill; threatening the sail-maker, that he would get him turned out of the Company's service, or sent to Bencoolen *, if he persisted in his demand. The sail-maker not intimidated, filed his bill in the Mayor's Court against the Counsellor, who, rather than expose the affair to a public discussion, more prudently agreed to satisfy the complainant, to the amount of his bill, with the costs of suit, by which it was consequently swelled. The complainant's solicitor or attorney at law (as they are called in Bengal) sent his Banyan, Radhoo Tagoor, a black merchant of Calcutta, to receive the amount of the bill, repeated times without success, till at last the said Radhoo Tagoor desired the Counsellor's Banyan to inform his master, that the amount of the bill was wanted, and if it was not paid, some bad consequences might ensue from the cause going on in the regular course of law, and the charges being consequently enhanced; which being told to the Counsellor and Zemindár, he grew angry, and ordered the merchant, Radhoo Tagoor, to be immediately seized by his peons, and carried to the Cutcherry; where he was, without any examination, enquiry, or form whatever, tied up, severely flogged, and beat on the head with his own slippers †, by order of the said Zemindár: who wrote a letter to the attorney at law upon the occasion, of which the following is an exact copy.

* Bencoolen on the island of Sumatra, and Gombroon in Persia, have been long looked upon as places very unhealthy and fatal to the generality of European constitutions; and from some instances of persons in the Company's service being formerly sent thither from other settlements by Governors and Councils, as was suspected, to get rid of them, the talking of sending people to Bencoolen, or Gombroon, has in India a kind of proverbial meaning expressive of banishment.

† The being beat on the head with a slipper is, among the natives of India, considered to be a very ignominious punishment.

 "SIR,

"SIR,

"I have ordered your demand to be complied with. It is so extra-
"vagant, that I intend laying it before the court. Your Banyan was
"so insolent as to tell me, that unless I discharged it directly you would
"increase your demand, for which insolence in him I have sent him to
"the Cutcherry, where he will meet his deserts."

"Your most humble servant.

"Calcutta, the 22d Feb. 1765."

Upon a complaint lodged by a poor old woman against another in the same circumstances, before the Zemindár, wherein he has been embarrassed to decide which of the two was in the right, the writer has known the poor wretches ordered to fight, and made to decide the question by the exertion of their feeble limbs in battle.

A tradesman and inhabitant of Calcutta, named Gocul Sonar, complained of having been falsly imprisoned by one Nobekissen, then Banyan to the Governor of Calcutta; alledging, that during his confinement, under various false pretences, he and several of his family had been otherwise most grievously injured and oppressed. The tradesman preferred his complaint at the court of general quarter sessions, held at Calcutta, on the 4th March 1767, in a petition to the grand jury, but without any success: for it was remarkable, that the Chief Justice Harry Verelst, Esquire, then on the bench, getting the petition into his own hands from another Justice, to whom the foreman of the jury had delivered it, he immediately and suddenly called and dismissed the juries.

It was said, by way of excuse, that the complainant had not first regularly given in his information upon oath before a Justice of the Peace, and that the affair ought to be referred, for trial, to the court of Zemindâry.

The injured man however chose rather to depend upon the English laws for redress of his injuries, and therefore, to obviate the objection of want of formality, he afterwards formally applied to a Justice of Peace, who happened at that time to be the Zemindár also. It was with some difficulty, and not without great altercation, that the Justice consented to receive the information of the complainant, but at length he promised to receive it on the following day; which was accordingly delivered in upon oath, as follows.

"The

"The Information of Gocul Sônar, Inhabitant of Calcutta.

"SHEWETH,

"That on or about the 1ſt of Phalgoon (or 10th February 1767) one "Ram Sonar and Ram Bania with a Hircârah * (or meſſenger) belong- "ing to Nobekiſſen Munſhy, came to the houſe of him the informant, "and did then and there, with force, unlawfully and injuriouſly enter "into his inward Zenána (or womens) apartments, ſaying, they had "orders from Nobekiſſen Munſhy to take away the informant's ſiſter, "for his the ſaid Nobekiſſen's uſe. That on the informant's reſiſting, "and calling the *Dowbáy* †, they abuſed him and his mother in the moſt "opprobrious terms, and did otherwiſe ill-treat them: upon which, "the reſt of the informant's family being forced to fly, they unlawfully "and by force did then and there ſeize the informant's mother, and "againſt the peace of our Lord the King, did forcibly carry her away "to Nobekiſſen.

"That on the next day the ſaid Ram Sonar and Ram Bania came "with another Hircârah of Nobekiſſen's, and did forcibly ſeize and "carry away the informant and his brother, named Kiſn, into Nobe- "kiſſen's preſence, who ordered both to be confined. Upon this we "offered ſecurity, which he refuſed. We then offered that one of us "ſhould remain in priſon and the other be at liberty: this alſo he, "Nobekiſſen, refuſed; but gave orders to his peons, who carried us to "priſon in the Collector's Cutcherry, where we were both confined in "the place where felons and thieves are, with our feet in the ſtocks, for "two days and three nights: victuals being forbid to be given to us, "and none of our people permitted to come near us. And during "our confinement, Ram Sonar, with one of Nobekiſſen's houſe, for- "cibly entered the informant's houſe, and carried away his ſiſter to "Nobekiſſen's houſe; where he, Nobekiſſen, kept her confined one "night, and violated her. Afterwards he, Nobekiſſen, ſent for us "from the Cutcherry to his houſe, and from thence ordered us to be "carried and confined where the Company's Hircârahs ſtay, oppoſite

* Hircârah means properly a ſpy. In India it is by no means an employ held in the deſpicable light in which it is thought of in Europe. All great men have a number of Hircârahs in their train; and in the courts of Hindoſtan, the Prince's Head-hircârah is a principal officer, and frequently employed upon buſineſs of the greateſt truſt, ſecrecy, and honour.

† The *Dowbáy* is an exclamation uſed by the common people in Hindoſtân, upon occaſion of any ſudden act of violence, much in the ſame manner as in Spain and Portugal, they cry, *Aqúy del Rey*. Thus the poor people in Bengal, perſonifying the Company, frequently call out, *Dowbáy Company Sâheb*, where there are none found to attend to their cries.

"to

" to the Governor's houſe; where we were confined one night and one " half day, and were afterwards again carried to Nobekiſſen's, and " again returned to the ſame place of the Hircârahs, from whence we " were at laſt releaſed.

" That at the general quarter ſeſſions of this town of Calcutta, on " the 4th of March 1767, this informant did repreſent his grievances " in a petition to the grand jury, which he delivered to the foreman, " who delivered it to the clerk of the peace, who delivered it to the " Judges on the bench: but that no enquiry was made into the caſe of " the informant, the grand jury being diſmiſſed immediately after the " delivery of his petition.

" This informant farther ſaith, that on the 17th March, at about ten " o'clock at night, four peons, or pykes, named Sheik Jaffer, Sheik " Rheyroo, Kiſho and Ram, came to the informant's houſe with a peon, " named Mowdy, who then and there ſeized the informant's brother, " named Kiſho Sonar, and carried him to Nobekiſſen's houſe, without any " legal warrant or authority: nor can the informant conceive any rea- " ſon, unleſs it was to intimidate him from ſeeking redreſs. Thoſe of " our caſt (or tribe) as cuſtomary, refuſe to aſſociate with us: and for- " aſmuch as the ſaid informant conceives the above related proceedings " are unlawful and injurious, and are wrongs which tend to the great " damage of him, the informant, and are againſt the peace of our " Lord the King, his crown and dignity; and whereas the informant " is otherwiſe remedileſs, he therefore humbly prays, that a warrant " be granted to ſeize and bind over Nobekiſſen, and every other per- " ſon concerned in theſe oppreſſions, to the next quarter ſeſſions.

(Signed) " GOCUL SONAR."

" Counterſigned. Sworn to before me, Charles Ffloyer, one of " his Majeſty's Juſtices of the Peace for the town of Calcutta, &c. this " 20th day of May 1767.

" CHARLES FFLOYER."

This information was ſupported by another depoſition of Kiſho Sonar, taken at the ſame time upon oath, and ſubſcribed to in like manner, by the beforeſaid Juſtice of Peace, whereupon the complainant was happy in the thoughts that he ſhould of courſe obtain juſtice for the injuries he complained of, according to the eſtabliſhed laws of England. But upon finding that no warrant was iſſued, or bail required from the accuſed party, nor any other ſteps taken towards having the

affair tried at the following sessions, the tradesman waited upon Mr. Ffloyer, who, to his astonishment, threatened him with the Chawbuck *, and told him he had no business with the quarter sessions, but that his complaint should be tried at the Zemindár's court.

Thus, in order to evade a fair enquiry, to serve a private purpose hereafter to be taken notice of, was this affair transferred from Mr. Ffloyer †, Justice of Peace, to Mr. Ffloyer Zemindár, contrary to the express directions of the charter of justice, and against the will of the complainant, who was afterwards totally precluded from justice, and even from the knowledge of what was done respecting his complaint, having never been any further called upon, and never having been able, notwithstanding repeated applications for that purpose, to obtain copies of any proceedings whatever.

Another extraordinary case, was of Ramnaut, a black merchant, house-holder and inhabitant of Calcutta, who had formerly served as Banyan to Mr. George Gray, a gentleman then of the Council at Calcutta. It has been already said, that the Secret, or Select Committee of Calcutta, in consequence of extraordinary powers from the Court of Directors, assumed jurisdiction to themselves in even such as they pretended were criminal matters. In consequence of which it has been common for them, of their own mere motion, to seize and imprison the pretended *Nabob*'s officers, as well as the principal merchants of the country,

* The instrument for flogging used at the Cutcherries.

† In order to save appearances for this extraordinary proceeding, at least in the eyes of the Court of East India Directors, some months after the transaction, Mr. Ffloyer entered a minute upon the consultations, or proceedings of the Council at Calcutta, so called, wherein he endeavours to account for it in the words following.

"In the month of   last, when I was the acting Justice and Zemindár, the President "delivered to me a complaint which had been preferred to the grand jury at the quarter sessions, "by one Gocul Sonar, against Nobekissen, and desired me to enquire into it as Zemindár. I did so. "But on attesting the depositions which had been taken by me, *I signed them as Justice of the Peace*, "*instead of Zemindâr. I was not sensible of the mistake until the next morning*, when I acquainted "the President with it: and as a confirmation thereof referred him to the officers of the Cutcherry, "who were the only persons made use of by me, during the whole course of the enquiry. My re- "port to the President, which has been laid before this Board, and the records of the Court of "Zemindâry, will, I hope, sufficiently evince, that I acted therein, in the *judicial capacity of Ze-* "*mindár only, and not as one of his Majesty's Justices of the Peace.*"

If any thing more be requisite to expose the injustice of this proceeding, or the futility of the excuse, which Mr. Ffloyer doubtless thought sufficient for the Court of Directors, the reader is desired to remark, from the complainant's deposition, that the information of the 4th March 1767, which was the paper said to be delivered to Mr. Ffloyer by Governor Verelst, could have no connection with the information in question, of the 20th May 1767: this last, as signed by Mr. Ffloyer, even referring to the former one, as having been laid aside without cause, which was the reason of the tradesman's last application personally to Mr. Ffloyer, as one of his Majesty's Justices of the Peace, in order to have his complaint heard at the next quarter sessions.

by

by military force, within the English settlement; alfo to withdraw the Company's protection, and to pronounce fentence of banifhment againft perfons unaccufed and unheard, in cafes wherein the King in England could nor do either one or the other.

This Secret Committee or the Prefident, with the Committee's fanction, had, among others, fuddenly feized the before-mentioned Ramnaut, fome time in the month of September 1765, and clofely confined him under a military guard for many months. The pretences then made ufe of by the committee for this extraordinary act were, that he had been guilty of great extortions and malpractices in the Maldah country, (where Mr. Gray had refided as Chief of the Company's factory) and it would appear the Committee officioufly undertook the examination of thefe matters *in Calcutta*, to fave *the Nabób* that trouble. But the real caufes as affigned by others *, with the greateft appearance of truth, were in order to extort evidence from him againft his faid mafter, with whom the Committee were then engaged in very rancorous party-difputes. Upon what foundation he was confined, what hardfhips he and his family fuffered, or what elfe paffed during this his firft confinement by the Committee, is foreign to our prefent purpofe to relate; fuffice it to fay, that after the purpofes for which he was confined had been ferved, he obtained his releafement, and for a long time continued in Calcutta unmolefted, with the permiffion of appearing in the prefence of the Governor to make his *Salaam* †, among other merchants. Thus far was neceffary for the illuftration of the fact before us.

This man complained, that during his faid confinement he had been plundered by one of his countrymen of property to a confiderable amount, and he wanted the permiffion of the Governor and Council to apply to the Englifh laws for redrefs, not choofing to do it, for fear of giving offence ‡, without firft obtaining the permiffion of the Board.

The following, being an exact copy of his addrefs to the Council, will beft fpeak for itfelf.

* See Authentic Papers concerning India Affairs, pages 189, 190, 193, &c.

† According to the Afiatic ftyle, he who after any difgrace is permitted to appear in the Huzzoor Walla, or "High Prefence," to make the obeifance called a Salaam, is efteemed to be forgiven, and reftored to favour.

‡ The offending party was the Governor's Banyan, and alfo Banyan to the Secret Committee.

"To the Honourable Harry Verelſt, Eſquire, Preſident, &c. Gentle-
"men of the Council at Fort-William.

"Honourable Sir and Sirs,

"I take the liberty of preſenting you with this humble addreſs for "two purpoſes, both which I hope will be eſteemed to merit the conſi-"deration of your Honourable Board. One is in order to put a ſtop "to the corrupt practices of a man who has been intruſted with the "management of tranſactions of the higheſt nature, and of the greateſt "importance to the affairs of the Honourable Company; and the other "is in order to obtain juſtice and reſtitution for the oppreſſion and "damage done me in particular.

"The grievance complained of is, my having to the amount of "thirty-ſix thouſand rupees extorſively exacted and taken from me by "Nobekiſſen Munſhy, during my late confinement, *ex colore officii*, "availing himſelf of my ignorance of the Engliſh laws and cuſtoms.

"He uſed to viſit me in my confinement, and there, by threats and "under various ſcandalous, villanous and falſe pretences, did demand "and receive from me,

"In the month of Ográhn, a ring, value - - rupees		14,200
"Pous - -	500 gold móhŭrs	
"Chóytrŏ -	400 ditto	
"Bhádrŏ -	500 ditto	
	1,400 value . - -	20,000
"With two pieces of Bootedárs, and sundry other "things, given by his order to his people, value -		2,000
	"Rupees *	36,200

"The pretences he made uſe of were, that he would preſerve me, "or get me excuſed from taking my oath upon the Ganges water be-"fore the Select Committee, that I might have the greater latitude for "what I was to declare verbally; that he would procure my releaſement; "that he would give me a † Khelaat, and ſend me away again ‡ Dewân

* About 4,500 l.

† An honorary dreſs, given to perſons upon their admiſſion or entrance upon any new truſt or employment.

‡ Properly it is the officer of the Dewannee. See Chap. IV. But now every Engliſh gentleman's Head Banyan is, by *courteſy*, called his Dewân.

"to

" to Maldah; and that he would save my life, which I was to be de-
" prived of, when he found it necessary to threaten me.

" I acknowledge my ignorance of the salutary laws of Great Britain, " in suffering myself to be thus imposed upon, as well as my folly " in having even supposed him to be of such consequence to the " Honourable the Select Committee. Yet, as the well-being of the " Honourable Company's affairs in a great measure depends upon the " impartiality and integrity of those whose office does any ways concern " the administration and execution of justice, or the common good of " the subject, I humbly hope still to obtain redress.

" And as I have heard much of the justice of the English laws, and " am informed, that the Honourable the Court of Directors have " been pleased to order, that " If a native chuses the decision of his " grievances by English laws, those, and those only must be pursued, " and pursued according to the directions in the charter." I am very " desirous of laying my case before the juries at the next sessions, where " only, I am informed, it is cognizable.

" But lest the preferring in that manner my complaint against " him, whilst in office, should be of any detriment to the affairs of the " Honourable Company under his management, I hereby first humbly " beg the permission of the Honourable Board.

" And as the grievances I complain of tend manifestly to the evil " example of all others the Company's Banyans in office, as well as to " the great oppression and detriment of the native inhabitants in " general, I humbly hope, Honourable Sir and Sirs, that you will " please to grant me the permission required, that I may be enabled " to obtain redress and the restitution of my property.

" I am, with the greatest respect, &c. &c.

(Signed) " RAMNAUT DASS."

" Fort William, the 10th April 1767."

This letter he sent to the Governor, then Harry Verelst, Esq; who, on the 15th April, in the evening, summoned Ramnaut before him, and having questioned him in his chamber, in a particular manner, regarding the circumstances of his letter, dismissed him with assurances, that he should have the strictest justice done him.

Upon Ramnaut's going out of the Governor's chamber, and coming into the hall, he was suddenly met by a party of seapoys with fixed bayonets,

bayonets, commanded by two black officers, named Sontose and Dinmahomed, who in that instant * seized him; and, not permitting him to ride in his palanqueen, marched him on foot through the town, from the Governor's to his own house, where they kept him in strict confinement, with guards upon his doors, and even in his innermost apartments; not permitting any person but his own menial servants to have access to him.

He was, on a subsequent day, again marched under the same guard to the house of Governor Verelst; who, notwithstanding Ramnaut's letter was addressed to the Governor and Council, thought proper to refer it to the *Select and Secret Committee*, who had some private sittings upon the affair; in order, as was usual among them on such occasions, to record something after their own way upon the face of their proceedings, which should have the farcical appearance of justice, to amuse the Directors. Ramnaut was, therefore, several times conducted, under his guards, before the Secret Committee, where they did what they pleased; and when they had done with him, ordered him back to confinement in his own house, where centinels were placed at every door and window. He remained in that situation until Sunday the 3d May 1767; on the evening of which day he sent to inform the writer, he had just received private intelligence, that orders had been received from Governor Verelst, then with THE NABÔB at Murshedabâd, to Mr. Cartier, then at Calcutta, to deliver him, Ramnaut, up to the Nabôb for confinement; which matter, notwithstanding other pretences, was a principal object of the Governor's visit to the city. He farther acquainted the writer, he had intelligence, that it was intended to send him away that evening; and begged he would come to his house, to help him to secure his effects. Accordingly the writer went to his house, towards night, and saw him in strict confinement, under charge of a party of soldiers, commanded by a black officer, named Rambuksh, greatly terrified, and in tears. Upon the writer's expostulating with him, and asking him the reason of his dejection, he answered, that he was under strong apprehensions of being murdered, when out of the

* In a Secret Committee, held at Calcutta the 18th April 1767, at which were present, Harry Verelst, Esq; PRESIDENT, with Messrs. John Cartier, Claud Russell and Alexander Campbell, Governor Verelst entered a minute on those Secret Proceedings; wherein he acquainted his brother Committee-men, that he had so seized and confined Ramnaut, "because he had reason to believe he "was the instrument of a concealed faction against Nobekissen," (who was, as before observed, his Banyan, as well as Banyan to the Committee) "and therefore he had ordered him under a guard, "to prevent his being tampered with, and instructed in his evidence, until he could be examined "by the Committee." In vain do Englishmen exclaim against the proceedings of a Bastile, or an Inquisition, while practices of this nature are suffered to pass in a British Settlement unpunished.

districts of Calcutta. The writer comforted him as well as he could; by assuring him, that no Englishman would be concerned in so horrid an act, or permit *the Nabôb, or his officers*, to perpetrate it: whereupon he exclaimed against the English laws; and bewailed the misfortunes which he said his mistaken notions of their justice had drawn upon him.

This discourse was scarcely ended, when there came another party of armed soldiers, under command of another black officer, named Muraad Khawn, with three servants of the Governor, named Peer Mahomed, Dost Mahomed, and Gordal Sing; saying, they had the Governor's orders to carry him, Ramnaut, away to THE NABÔB. This was like the arrival of a death-warrant to this distressed man. He changed colour, and trembling begged for time to arrange his affairs and secure his papers, which only brought upon him severe abuse and ill treatment. When the writer remonstrated with the seapoys thereon, telling them, he was sure such rigour was not used by order of the Governor, they even presented to him the butt-ends of their musquets: and in this situation they hastily obliged Ramnaut, without any preparation for his journey, or arrangement of his affairs, to quit his house; pulling him into the street, where they bound his hands, and then hauled him through the town to a boat that had been prepared for carrying him away.

By letters, afterwards received from him, it appeared, that he was actually transferred to THE NABÔB at Murshedabâd, for confinement, during which time his family, at Maldah, was put to the greatest hardships and distresses: and, after about seventeen months imprisonment, the writer received a letter from him, in the Bengal language, of which the following is a translation.

"On the 28th of the month Serrabon (or 9th August) 1768, the "Nabôb Mahomed Reza Khawn delivered me over to Baboo * Ong-"noosing, who demanded from me 60,000 rupees; viz.

"On account Mr. † Verelst's salt	- -	48,000
"Ditto ———————— boats	- -	7,000
"Ditto wages to the boat people	- - -	5,000
"Current rupees	- -	60,000

* An officer of THE NABÔB's, who superintended the business of the Cutcherries.

† This was part of the private salt concerns, taken notice of in our XIIIth Chapter.

"I there

" I thereupon told him, that no part of the demand was juſt, ex-
" cept for the ſalt; on which account I had already paid Mr. Verelſt, by the hands of Mr. Richard Barwell, thirty-one thouſand two hundred Sunott rupees;—that the balance which might be due, after crediting me for ſundry diſputed articles, as might be adjuſted, I was ready to pay. That the amount of the boats was not due from me, for I never received them. On hearing this, Baboo Ongnooſing became very angry, and abuſed me very much; ſending for the ‡ Chora and Chorry, and ſaying, he would tie me up to the § Seepiyah, and flog the money out of me. At laſt, he told me to ſend for the papers or letters regarding the boats and the money paid, at the ſame time ordering me to pay, on account of the balance of the ſalt-money, eleven thouſand two hundred ſicca rupees, on the ſpot. After this, he ordered the ſeapoys to take me away, and, by the uſe of force, to ſee that the money was paid on that day.

" I was in conſequence thereof very ill treated, and on the next morning was again ſent for; when he told me, I could only live by paying the money. I was afterwards carried to the * Khalſa Cutcherry, by order of the Nabôb Mahomed Reza Khawn; who himſelf calling me before him, ordered me to pay the ſaid money. I repreſented, that I had no objection to pay the amount of the ſalt; but hoped I ſhould be thereupon releaſed from confinement, and have a ſhort time allowed me. Upon which the ſaid Nabôb became very angry; ſaid, he would have the money at any rate; and immediately ſent for the Seepiyah and Chawbuck. There was then preſent Baboo Ongnooſing and Ramkiſſore Sene, the Governor's Banyan's † Vakeel, with whom the Nabôb conſulted a little, and then ordered the ſeapoys to take me back to my priſon; telling me, if I did not pay the money within one month, he himſelf would pay it, and hang me for it. In this affair, whatever the Governor's Banyan writes, that is and will be the law; and I am afraid there is a deſign upon my life. Do you, therefore, I pray, for God's ſake, make application on my behalf, and become anſwerable for the payment of the money, if I can be releaſed from my confinement on thoſe terms. " Dated the 8th of the month Bhádrŏ, or 21ſt Auguſt 1768."

‡ Two ſpecies of whips uſed in the Cutcherries.

§ An engine uſed in the Cutcherries, conſiſting of three bamboes, erected in a triangle, with a rope hanging from the centre, to tie and ſuſpend the culprit during flagellation.

* The Cutcherry where the Nabôb ſits in perſon, when he chooſes to tranſact buſineſs himſelf.

† A Chargé des affaires, which every great man (ſuch as a Governor's Banyan neceſſarily is) keeps at court.

At

At the fame time this miferable victim wrote a letter to the Governor of Calcutta, of which letter, as delivered into the Council, the following, being an exact literal tranflation, may alfo ferve as a fpecimen of the Bengal epiftolary ftyle.

"To the Great and Greateft of Governors.

"*Siri, Siri, Ram* *!

"This petition of me your flave †, Ramnaut Dafs, who moft refpectfully and reverently addreffes you, and prays for the increafe of your riches and profperity, reprefents, that I, your petitioner, only to obtain juftice for myfelf, made application at your feet. From the ill fortune ftampt on my forehead ‡, I did not obtain juftice, but was imprifoned and fent here; where I am yet confined, having been a prifoner, on and off, for near three years. There is nothing wanting to the completion of my mifery; and my family are diftreffed even for victuals. I am now extremely hard preffed for the falt-money. Agreeably to order I formerly paid, on account of that demand, thirty-one thoufand two hundred Sonaut rupees to Mr. Barwell, and the remainder which may be juftly due I never objected to the payment of. I therefore humbly petition, that you will order the releafement of your flave, and I will take care and pay the money. I am a forlorn man. I have no body capable of affording me protection. You are God's deputy, and the giver of the laws. Be pleafed to fave the life of your forlorn flave, by ordering his releafement. This is the requeft he humbly lays at your feet. Dated the 8th of the month Bhádrŏ, or the 21ft Auguft 1768."

The pretence again made ufe of on the Records of the Secret Committee for this fecond imprifonment of Ramnaut, and fending him to the Nabôb, was, "That he might be delivered up to the *country government*" (which had not been done before) "to be made accountable for the numberlefs extortions and villanies he had been guilty of at Maldah, and other places within *the government's jurifdiction*." Neverthelefs, no fuch extortions or villanies were ever legally proved againft

* This is one of their many invocations of God, fet at the beginning of all writings.

† In the Bengal original, the word Sáheb, Mafter or Lord, is fubftituted for this pronoun, as "the Lord's flave"—"the Lord's increafe of riches."

‡ The Gentoos, who are great predeftinarians, believe that every man's fortune is written on his forehead from the moment of his birth.

him; nor, to the time of his writing the foregoing letters, had any person ever confronted him with any complaints before *the Nabôb*, nor had *the Nabôb* made any other demands on him than those mentioned in his before-recited letters.

Whatever might have been the man's crimes, nothing can vindicate the mode of proceeding against him; nor can any story, however plausible or well contrived, convince the public, that it was just to deny this merchant the means of obtaining justice, and to transfer his complaints from the fair and open trial of juries, to the clandestine proceedings of a junto of three or four, bound to each other by oaths of secrecy, who at the same time were, in effect, his original and present accusers and oppressors, and who could, as we may now justly conclude, have no other views in this clandestine work than to keep from the light their other dark proceedings, which they were doubtless apprehensive a public trial of the complaints against Nobekissen, *the Banyan to the* SELECT *and* SECRET COMMITTEE, might serve effectually to disclose. This also was the real motive that we before promised to enlarge upon, and which occasioned a suppression of the complaint of Gocul Sonar *.

One more extraordinary instance we will give of the convenient uses which the Nabôbs are made of by the Governor and Council in Calcutta, under whose direction alone they act, whenever it is necessary for any private purpose to oppress individuals; and this is of certain Armenian merchants of established credit and reputation, who, like many hundreds of others, had been long established in India, and were at this time peaceably engaged in carrying on their own mercantile business in the dominions bordering on Bengal, which the Company had taken from, and afterwards restored to the Nabôb Sujah al Dowlah. The business they carried on greatly interfering with the private views of the Governor and some of the Council at Calcutta, and their connections, it was thought necessary to have them removed. Not contented with their being suddenly seized by the Company's troops and confined, without ever being accused, confronted, or heard upon any pretended crime or misbehaviour whatever in the dominions of Sujah al Dowlah, the Governor and Council had them brought down into their own provinces, where they could more conveniently manage them, and where

* The East India Directors have been long possessed of all the papers relative to the proceedings concerning Gocul and Ramnaut. If they think those proceedings, disguised as the writer knows them to be, will stand the test of inspection, it is hoped they will, for the honour of their servants, lay them before the public; or otherwise, that they will do it for the honour of national justice, in exposing the parties who have offended, either by unjustly promoting or suppressing such complaints; or at least for their own vindication, in publishing to the world the just resentment they may have shewn against the principal delinquents in such infamous transactions.

they were kept imprisoned for some months, to the utter ruin of themselves and families. After they had been long enough imprisoned to serve the purposes intended, they were set at liberty, but without being acquainted with any reason for such imprisonment: and, despairing of ever obtaining justice in Bengal, two of them came over in quest of it to England; where, flattering themselves that the Court of Directors would naturally discountenance such oppression, they presented a very respectful petition to the Court; which, as it will give the best state of their case, we will present the reader with a copy of, as follows.

"To the HONOURABLE the COURT of DIRECTORS, for the Affairs of
"The Honourable the UNITED COMPANY of MERCHANTS of ENGLAND, trading to the EAST INDIES.

"The Petition of *Gregore Cojamaul* and *Johannes Padre Rafael*,
"Armenian Merchants, late of *Bengal*,

"HUMBLY SHEWETH,

"That your petitioners, who are natives of Isphahan in Persia, have "for many years resided in India, particularly in the provinces annexed to Bengal, and in the dominions of the different princes bordering upon those provinces, where they have carried on, for themselves and others, a very extensive trade, always with the permission and approbation of the different princes in whose dominions your petitioners resided; always paying the duties exacted by such princes, and always chearfully submitting themselves to the laws of such countries.

"That it has ever been the custom, from time immemorial, for "Greeks, Georgians, Turks, Persians, Tartars, Cashmeerians, Armenians and other nations, to resort to and traffic in India, where the country Nabôbs, sensible of the benefits arising from the resort of foreign merchants and the increase of trade, have at all times encouraged such persons to the utmost of their power.

"That besides their own traffic, your petitioners likewise, for about "seven years last past, have been honoured with business upon commission from sundry English Gentlemen, several of whom are now in "England.

"That your petitioners in such transactions have ever acted to the "satisfaction of their constituents, and with credit to themselves; having ever studiously avoided interfering in any other than their own mercantile affairs; and they have ever been well-wishers to the Honourable

"nourable English East India Company, having never, in the most "distant manner, acted contrary to the interests of that Company.

"That your petitioners were lately resident in the dominions of the "Nabôb Sujah al Dowlah, and the Râjah Bulwant Sing, who, to the "great surprize of your petitioners, received orders from your Presi- "dency of Calcutta, or Fort William, to banish your petitioners out of "their countries.

"That those princes communicated the orders which they had re- "ceived from your said Presidency to your petitioners, who had the "honour to be favoured with the friendship of the said princes; who "proposed various expedients to screen your petitioners from violence, "as your petitioners can shew by authentic documents in their hands, "to the satisfaction of this Honourable Court.

"That the friendship of those princes having induced them to evade "the immediate execution of such tyrannical orders, for which they "knew no cause, your President Mr. Verelst wrote again, in repeated "letters, and in the most peremptory terms, to have your petitioners "seized, imprisoned and sent down into the Company's provinces to "Patna and Murshedabâd; and for fear of farther delays or evasions, "orders were given to the immediate servants of the English Com- "pany, who were employed to seize and imprison your petitioners, as "they are likewise ready to prove to the satisfaction of this Honourable "Court, by authentic documents and writings under the hands and "seals of the said Company's servants.

"That accordingly your petitioners were seized in the most sudden, "cruel and inhuman manner, and brought down to the Company's "factories at Patna and Murshedabâd, being obliged to quit instantly "all they were possessed of in that country, to a very considerable "amount, together with their books and papers, and the effects of "many other persons with which they were entrusted, and for which "they are accountable.

"That during the confinement of your petitioners, their relations "did deliver to your President, Mr. Harry Verelst, sundry petitions, par- "ticularly one of the 15th May 1768, and one of the 13th June 1768, "(which your petitioners imagine stand recorded upon your Calcutta "consultations) requesting the releasement of your petitioners, and of- "fering to give any such security for money, or the appearance of "your petitioners, as might appear reasonable to your said President "and Council.

"That the said petitions were paid no regard to, but your peti- "tioners were continued under confinement; your petitioner Gregore

"Cojamaul

" Cojamaul having been confined from the 14th March 1768 to the " 23d May 1768, being two months and nine days; and your peti- " tioner Johannes Padre Rafael, from the 27th March 1768 to the " 28th August 1768, being five months; during which time they were " treated worse than convicted felons; Cogee Rafael being first im- " prisoned in a horse-stable, and afterwards both kept in close confine- ment under a strong guard of the Company's seapoys, with fixed " bayonets, who never suffered your petitioners to stir out of their " sight.

" That being at last released from confinement, your petitioners and " their friends waited upon your President, Mr. Harry Verelst, not " only to be acquainted what were the causes of his displeasure, and " why they had been confined, but requesting leave to return up the " country to secure their effects and outstanding concerns, thereby to " preserve themselves and families from ruin; but, to the misfortune " of your petitioners, all their applications were paid no regard to, " nor could they ever obtain any satisfaction, or be acquainted why " they had been thus capriciously imprisoned for so long a time, and " then set at liberty, without being accused of even a fictitious misde- " meanour?

" That, to the great astonishment of your petitioners, upon their ar- " rival in Calcutta, they were informed, that your Governor, Mr. " Harry Verelst, and his Council had been pleased to publish an edict, " under date of the 18th May 1768, prohibiting all Armenians, Por- " tugueze and their descendants, *from residing or trading in any part* " OUT *of the provinces of Bengal, Bahár and Orissa; or attempting to* " *transport any merchandize beyond those provinces, under penalty of the* " *utmost severe corporal punishment, and the confiscation of such merchan-* " *dize;* an attested notorial copy of which most extraordinary public " edict * is in the hands of your petitioners, for the inspection of this " Honourable Court.

" That your petitioners were hereby not only deprived, among " others, of those rights which were due to them, as men, by the law " of nations, but were deprived of that freedom of trade which their " nation had always enjoyed in the times of the worst of the ancient " BLACK NABÔBS, and in particular were also deprived of all hopes of " ever recovering those effects from which they had been thus forcibly " and capriciously taken.

* See this Edict, in the Appendix, N° XXIX. page 80.

" That

"That your petitioners, who have been therefore necessitated at a
"great expence to come to England for justice, now appeal to the
"equity of this Honourable Court! requesting, that they will either
"indemnify your petitioners for the great losses they sustain, or that
"they will be pleased to order home, to answer for themselves, the
"President Mr. Verelst, and such of the Company's servants as to this
"Honourable Court may appear to have been the acting persons in the
"oppressions complained of;

"And your petitioners, as in duty bound,
"shall ever pray.

"London, the 12th Sep-
"tember 1769." (Signed) "GREGORE COJAMAUL.
"JOHANNES PADRE RAFAEL."

It was natural for these injured Armenian merchants, who then knew but little of the state of the Company and the party-views of its Directors, to imagine that the court would have shewn some readiness, if not a serious disposition to redress their wrongs. But, to their shame be it spoken! the petition is said to have been thrown aside, and to have lain by, unanswered and disregarded to this day; while these foreign gentlemen, as is said, have been left to seek redress at law, exactly in the distressful situation already described; exposed to the necessity of sending commissions to India for evidence, and of waiting for the precarious arrival of their oppressors from India; some of whom may perhaps shamelessly attempt to screen themselves by the practised and now usual subterfuge, of pretending the matter complained of was transacted by THE NABÔB, in the extra-judicial districts of the charter.

Many other instances might be given, to prove the badness of the government, police, and administration of justice in those distant dominions; some of which, though there looked upon as trifles *, would in this country be considered as matters of the most serious consequence. Indeed to enumerate all the facts of that nature which have come within the writer's knowledge, would be to fill a large folio volume.

It

* Such as a master's sending, upon his simple note (or *Chit*, as there called) a native servant to the Zemindár, to receive a flagellation at the Cutcherry; or the collecting, by a military force, two or three dozen of Englishmen, inhabitants of the settlement, and confining them, in a dungeon in the New Fort, for a day or two. This the writer himself knows to have been done, on a simple verbal order, from a late Right Honourable Governor. The occasion was this.—Complaints were made, that many Europeans kept public houses, for the retailing of a spirituous liquor called Pariar Arrack,

to

It would moreover be a task shocking to humanity; and as it is presumed sufficient have already been produced to convince the reader of the truth of our assertions upon the subject-matter of this chapter, we shall hasten to a conclusion of it. Should the curious reader wish to be farther informed, relative to other facts than what are here proved respecting our assertions, we beg leave to refer him to our 14th chapter, on Oppressions and Monopolies in general, and to the Papers in our Appendix, N^os XXX, XXXI, XXXII, and XXXIII, pages 81 to 121, &c. as well as to every other part of this work, where something will in all places be found to corroborate what is here advanced.

Upon the whole of what has been said, it surely will be allowed, that in the situation in which matters now stand, justice can never prevail against the will of power in India; and, as things are, can be rarely worth pursuing from thence to England, even in the very few cases where it is practicable, at least in a judicial way: so that, without an effectual reformation here, or till the laws are made to operate with sufficient efficacy in those regions, all people must live there unprotected by laws, and always liable to be deprived of their rights even as men, from the laws of nature, as well as of those blessings that are peculiar to the laws of England; which, if duly enforced from hence by necessary checks and controul, and impartially executed there, by independent, capable, and disinterested judges, would prove a lasting security to the interest of the Company; and, with rendering the possession of those dominions the envy and admiration of all neighbouring states, would likewise bid fairest for establishing the permanency of those resources which this nation has a right to expect from subjected provinces so extensive and wealthy.

to the great debauchery of the soldiery. They were immediately ordered to be sought after, and carried to the New Fort; and the execution of this commission was left to the black seapoys, who were dispatched for that purpose. As it was left to the discretion of those ignorant people, many innocent tradesmen were involved with others who really did sell this liquor, and all were promiscuously conducted to prison in this wanton manner: for which kinds of violences, there is no legal redress or satisfaction to be obtained, however innocent of guilt the injured parties may be proved.

CHAP.

CHAP. X.

Of the different COVENANTS and LICENCES under which BRITISH SUBJECTS resort to the EAST INDIES for the Purpose of RESIDING THERE.

IT is well known, by the charters and acts of parliament confirming them, which are at present in force, and were originally made with a view only of securing to the Company the exclusive right of trade *to and from* the East Indies, that no British subjects dare now venture even to breathe the air of India, without having first obtained the permission of the Company.

British subjects resorting to the East Indies for the purpose of residing there, go out either in a military or civil capacity: the former, in different stations, from the common soldier and cadet to the general officer; and the latter, as covenanted-servants, free merchants, or free mariners.

In the regular course of the Company's business, as established after the union of the two Companies, it has been usual, except on some very particular occasions, for the civil servants to go out as WRITERS, not under, and generally at the age of sixteen years, upon their own petition, or request; and to rise by rotation or seniority in India, to the stations of Factors, junior and senior Servants, Counsellors and Governors. On such petition being considered and granted by the Board of Directors, they tender to the young candidates a long printed indenture to sign, as drawn up by their own lawyers, wherein, among many other articles, the youth is made to sign to certain agreements and conditions between the Company and himself, as follow.

" That upon the special request and intreaty of him, A. B. the Com-
" pany have received him into their service, as their writer (factor,
" or otherwise) to serve them for the space of years *, to be
" employed on their business in any place within their limits, between
" the Cape of Good Hope and the Streights of Magellan, and engage
" to pay him for the same the wages of pounds per annum †,
" And he, A. B. engages, that until the full expiration of the said
" years, he will serve them honestly and diligently; observe
" and fulfill all orders of the Company, or their representatives in India,

* The usual term upon the original indenture for all writers is five years.
† Usually fifteen pounds per annum for a writer.

"resisting all those who shall endeavour to break such orders or in-
"structions; will not do, or suffer to be done any thing to the Com-
"pany's prejudice; give the Directors the earliest intelligence of all
"deceits, wrongs, abuses and breaches of orders, and that he will
"keep and conceal the Company's secrets *. *And he, A. B. also cove-
"nants and agrees, that before he leaves the Company's settlements he will
"faithfully pay † and discharge all such sums as he may be justly indebted
"to any of the black merchants, or natives, or to any other foreigners or
"merchants, not being the subjects of his Majesty.* And upon condition
"of his keeping and performing his covenants, the Company agree,
"that for the said term of years, he, the said A. B. shall be
"freely permitted to trade and traffic for his own account only, from
"port to port in India, or elsewhere within the limits aforesaid, (but
"not to or from any place without the same) without any interruption
"or hindrance from them the said Company, or their successors; so as
"the said trade be subject to such rules and limitations as the Court of
"Directors shall, from time to time, direct or appoint, and be not to
"the hurt of the Company, or their commerce. And farther, in case
"he, the said A. B. shall waste, or make use of the Company's trea-
"sure, become indebted to the Company, or in any wise make de-
"fault in performance of his covenants, in such case he shall not be
"intitled to any of the advantages intended him, but on the contrary,
"it shall then be lawful for the Company, or their Governor and
"Council, to seize and detain the effects of him, A. B. until satisfac-
"tion be made. *And forasmuch as grievous complaints, as is said, have
"been made to the Company, that several of their Governors, Counsellors,
"Factors, and other Servants have committed very heinous and grievous
"offences in their factories, and other places within their said limits of
"trade, by unjustly menacing, imprisoning, assaulting, abusing and evil
"treating the natives and black merchants, and by means of such violences,
"abuses and injuries, have extorted and forced great sums of money and*

* It is something remarkable, that this covenanted obligation *to keep and conceal the Company's secrets*, is without limit, or the qualifying explanatory word *lawful*; contrary, as we apprehend, to general practice in England, where the covenanting servant binds himself only to keep his master's lawful secrets, nor can legally bind himself to do more. But now, with regard to East India affairs, we see all terms and conditions, as well as all practice, must be absolute, as these kinds of obligations are made: and yet it is possible for the India Company to have secrets, which it would be a very great crime for any British subject to conceal.

† It is worthy of note that though the Company hereby make their servants engage not to quit their settlements without first discharging all debts due from them to the natives, yet they now make no scruple of suddenly forcing persons away to Europe, without troubling themselves about the justice due to the natives; because they have nothing to fear from *the present Nabobs*, in consequence of any complaints which those natives can make.

“ *other valuable effects from ſuch injured perſons, who, by reaſon of the*
“ *great diſtance from this kingdom, and the wholeſome laws thereof, and*
“ *by the reaſon that the ſaid Company have not been enabled to obtain and*
“ *tender ſatisfaction for ſuch injuries, have been remedileſs :* Therefore it
“ is alſo covenanted, between the ſaid *A. B. and the ſaid United Com-*
“ *pany, that in caſe the ſaid A. B. ſhall be accuſed of any ſuch violences,*
“ *it ſhall be lawful for ſuch injured perſons to ſend over complaints and*
“ *atteſtations of ſuch miſdemeanors, in writing, to the Court of Directors,*
“ *to whom it ſhall be lawful to enquire into the truth of ſuch complaints,*
“ *by all ſuch ways and means as they ſhall think juſt and equitable, and*
“ *to judge, determine and award ſatisfaction and reparation for the ſame,*
“ *to be made to the ſaid Company for the benefit of ſuch injured perſons,*
“ *by the ſaid A. B. who agrees faithfully to pay the ſums ſo awarded.*
“ And foraſmuch as it frequently happens, as is ſaid, that the ſervants
“ of the Company, by a combination amongſt themſelves, adjuſt and
“ paſs their own accounts with the Company, in order to preclude any
“ review, alteration, or conteſt of the ſame, it is, therefore, further
“ agreed, that all and every account of the ſaid A. B. with the ſaid
“ Company, ſo ſtated, adjuſted, balanced, or ſigned in the Eaſt In-
“ dies, ſhall at all times be taken and eſteemed to be open accounts,
“ formed and prepared only for the inſpection, correction, or appro-
“ bation of the Company, and ſhall not in any article bind or conclude
“ them. And the ſaid A. B. covenants alſo, that he will not be con-
“ cerned, directly or indirectly, in any ſort of commerce from Europe
“ to the Eaſt Indies, or from the Eaſt Indies to Europe, on his own
“ account, under penalty of paying double the value of all goods ſo
“ traded for, of forfeiting all benefits and advantages intended him
“ by and from the ſaid Company, and of ceaſing to be their ſervant, or
“ agent. And, in order to a diſcovery of, and a ſatisfaction for ſuch
“ illicit trade, the ſaid A. B. conſents, that it ſhall be lawful for the
“ Company to file any bill or bills of diſcovery againſt him in the
“ Chancery, or Exchequer, to which he will not demur, or plead in
“ bar of diſcovery, nor alledge any matter whatſoever, whereby to pre-
“ vent, or preclude the Company from the relief ſought by ſuch bill;
“ and in conſideration of the diſcovery, or diſcloſure ariſing from a full
“ and true anſwer of the ſaid A. B. the Company agree to be ſatisfied
“ for the damages, on account of the ſaid illicit trade, upon receiving
“ the ſum of fifty pounds for every one hundred pounds of the goods
“ ſo traded for, in lieu of the beforeſaid double value of the ſame. And
“ laſtly, it is provided, that if the ſaid A. B. continue longer than the
“ ſaid term of years in the ſervice of the Company, ſuch

" continuance shall be upon the same terms and conditions as are spe-
" cified in the said indenture; save and except, that if the said A. B.
" shall rise to any superior station, he shall receive such wages as are
" usually paid to officers or servants in the like advanced stations."

To one part of these indentures given to A. B. the Company's Secretary sets their common seal; and the other part, left with the Company, is executed in form, under the hand and seal of the young tyro, who also gives security in the sum of five hundred pounds for the peformance of his part of the covenants, and trusts to the honour of the Company for the performance of theirs.

The same covenants have been usually entered into by those who went out in any superior station, varied only with regard to the period of servitude (if there is any difference therein) a *larger* salary, and giving security [*] for a larger sum.

The indentures or covenants into which it has been usual for those to enter who go out under the denomination of FREE MERCHANTS, are in substance as follows.

" That A. B. having upon his own special request obtained permis-
" sion of the Court of Directors of the said United Company, to go to
"   , there to dwell and inhabit, together with free liberty to
" use and exercise any trade and commerce in the way of a merchant,
" or otherwise, in any commodities whatsoever, to and from any ports
" and places in the said East Indies, or elsewhere, within the limits of
" the Company's charter, from the Cape of Good Hope to the Streights
" of Magellan, but not to or from any place without the said limits;
" it is covenanted and agreed between the said A. B. and the said
" Company, that he the said A. B. as also his wife, if he shall have
" any, together with such children and servants as have the liberty of
" the said Company for that purpose, shall, during the time of their
" respective abodes in the East Indies, reside and dwell at   as
" inhabitants thereof; and *shall not remove to, or reside in any other*
" *place or part of the East Indies, save at   and that he A. B.*
" *if he shall so long live, shall and will reside and be at one or other of the*
" *said places for the term of   years, before his return to Great Bri-*

* The writer gives security for the performance of his covenants in the sum of — L. 500

Factor	1000
Junior Merchant	2000
Senior Merchant	3000
Counsellor	4000
Governor	10000

" *tain, unless he shall obtain liberty to return sooner, by writing from the*
" *Court of Directors*---and that he will not receive any consignments
" from Great Britain, except only for diamonds and diamond boart,
" or such other commodities as shall be licensed by the Company, he
" A. B. paying to the Company's Governor one per cent. upon the
" value of such consignments. *And also, that neither he A. B. nor his*
" *wife, children or servants, by his privity, shall, directly nor indirect-*
" *ly, write, or cause to be written over to Europe, any thing or matter*
" *relating to the Company's trade in India or Europe, except to the Court*
" *of Directors*; nor be concerned in any trade or merchandize from
" Europe to India, or from India to Europe, other than such as be
" licensed by the said Company. And also, that he A .B. will give a
" faithful account of his trade from port to port to the Company's Go-
" vernor and Council, at the place where he shall reside, in order for
" the same to be entered in a registry at the factory. And that he will
" pay all such duties and customs as shall be appointed by the Com-
" pany, or their representatives, at the ports or places where such
" trade shall be carried on; and will be subject to such other regula-
" tions as they shall think reasonable, for the better government of
their trade in, to, and from the East Indies. *And A. B. further*
" *agrees, that whenever the Company, or their Court of Directors, shall*
" *apprehend his residence or trade, within the limits aforesaid, to be in-*
" *convenient to them, and shall thereupon order him to remove to Great*
" *Britain,* he the said A. B. shall and will, within *one year* after notice,
" *transport himself, family, and effects to Great Britain,* in the ships
" employed by the said Company, and no other: which effects shall be
" returned in diamonds, or diamond boart, or such other commodities
" as shall from time to time be licensed, or allowed by the Company,
" or else in bills of exchange drawn on the said Court of Directors,
" *and not otherwise. And the said Company do covenant, promise, and*
agree to and with the said A. B. that upon his observing and perform-
" *ing the covenants and agreements, in the said indenture expressed, faith-*
" *fully and truly, he the said A. B.* SHALL ENJOY THE COMPANY'S
" PROTECTION WITHIN THE LIMITS OF THEIR CHARTER. And
" the said A. B. further engages, that he will not trade, correspond,
" or deal with any person or persons who do or shall trade within those
" limits by or under, or by virtue of, any foreign commission, licence,
" or authority whatsoever; nor with any person or persons with whom
" he shall be forbid to trade; nor will be aiding, abetting, or assisting
" towards the carrying on of any illegal, unlicensed, or clandestine
" trade whatever, nor wittingly suffer any damage or interruption to

" be

"be done or given to the affairs or commerce of the said Company;
"but will do all in his power to make discovery of, and to prevent,
"the same. And in case the said A. B. shall fail in the performance of
"these covenants, then by the first opportunity offering, after orders
"received for that purpose, he the said A. B. shall transport himself,
"family, and effects to Great Britain, in manner as above-mentioned.
"And in order to a discovery of, and satisfaction for, any illicit trade,
it is agreed (in the same manner as in the writer's covenant before
"specified) that it shall be lawful for the Company to file a bill in the
"court of Chancery or Exchequer, the Company agreeing, in conse-
"quence of any disclosure or discovery arising from the said A. B.'s
"answer to such bill, to be satisfied with fifty pounds for every hun-
"dred pounds value of the goods so traded for, together with the pro-
"duce of such illicit trade." These indentures are also executed and interchanged in the manner and under the condition already described in the case of writers.

Free Mariners, who have been considered as a class of less consequence, have usually been permitted to go out upon only giving security not to become chargeable to the Company. As the bond usually given is but short, and will best explain the nature of their engagements, we here subjoin it at length; viz.

"Know all men by these presents, that we A. B. C. D. and E. F.
"are jointly and severally held and firmly bound unto the United Company of Merchants of England trading to the East Indies in the sum
"of five hundred pounds of lawful money of Great Britain, to be paid unto the said United Company, or their certain attorney, successors, or assigns: to which payment, well and truly to be made, we
"and each of us jointly and severally bind and oblige ourselves, our
"heirs, executors, and administrators, firmly by these presents. Sealed
"with our seals. Dated the day of in the year of the
"reign of our Sovereign Lord by the Grace of God, of Great
"Britain, France, and Ireland, King, Defender of the Faith, and so
"forth; and in the year of our Lord one thousand seven hundred
"and

"Whereas the Court of Directors of the above-named United Com-
"pany of Merchants of England trading to the East Indies have, at
"the special request and desire of C. D. and E. F. granted leave to the
"said A. B. to reside in the East Indies, under the protection of the
"said United Company, he the said A. B. giving security to indemnify
"the said United Company, and the Governors and Council of their
"settlements

" settlements and factories in the East Indies, from and against all
" charges and disbursements whatsoever, which the said United Com-
" pany, or their said Governors and Council, shall or may sustain, or
" be put unto, for the support or maintenance of the said A. B.

" And whereas the above bounden C. D. and E. F. at the request
" of the said A. B. agreed to become bound for the purposes afore-
" said, in manner herein after-mentioned.

" Now the condition of this obligation is such, that if the said
" A. B. C. D. and E. F. or either of them, their or either of their heirs,
" executors, or administrators, do and shall, from time to time, and
" at all times hereafter, well and sufficiently defend, save harmless, and
" keep indemnified, the said United Company of Merchants trading to
" the East Indies, and their successors, and the Governors and Coun-
" cils of their several settlements and factories in the East Indies, from
" and against all charges and disbursements whatsoever, which they the
" said United Company, or their successors, or their said Governors
" and Councils, or any of them, shall or may suffer, sustain, or be any
" ways put unto, for the support or maintenance of the said A. B.
" during his continuance in the East Indies aforesaid, then this obliga-
" tion to be void. But when and so often as default shall be made in
" the premisses, to be and remain in full force and virtue.

" Sealed and delivered (being first duly stamped)
" in the presence of ."

Until the year 1770, such have been the covenants and licences under which British subjects have resorted to the East Indies, for the purpose of residing there as merchants or traders. About that time there had been many complaints brought home against the Company, and their servants, for injuries sustained by persons in India, in consequence of the power assumed by them of seizing, imprisoning, and sending their fellow subjects to England by force. To those oppressions many of the Directors themselves had been accessary, by the very injudicious orders they had from time to time sent to their servants in India, and they were therefore justly apprehensive that some evil consequence might accrue therefrom to themselves. In order, therefore, in some measure to screen themselves from the odium and penalties they had reason to dread, it was determined to apply for the farther sanction of the legislature for this unconstitutional power; and upon a motion of the Chairman of the Board of Directors, then a Member of the House, on the 26th March 1770, it was ordered in Parliament, " That leave be given to
" bring

"bring in a bill," (which was at first speciously) "called a bill for compelling persons dismissed the service of the East India Company, to depart from the East Indies; and for better regulating the servants of the said Company; and for other purposes," of which notice will more particularly be taken in our following chapter.

The Company not succeeding in obtaining the new powers they aimed at by the bill so introduced, had recourse to the covenants now before us, which they new-modelled, adding thereto such clauses as were thought necessary for supplying the want of those powers for which they had in vain applied to parliament.

Instead of a licence for an unlimited time upon a simple security-bond, not to become chargeable to the Company, the FREE MARINER's indentures were also drawn out in form, whereby he is now licensed only for a limited time, which is revocable, and he and his family made liable to be sent home by force at the pleasure of the Company, as may be seen more fully in the copy of the said indenture, in the *Appendix*, N° XXXIV. page 126.

In the new indentures for the CIVIL SERVANTS, all the clauses and stipulations of the old ones, which were favourable to the Company, are reserved, and the new and additional clauses are in substance as follows.

"That in case the said A. B. shall make default in any of the covenants specified, or shall embezzle any of the Company's money or effects, or be guilty of any breach of trust, or be concerned in buying or selling any fire-arms or warlike-stores to the natives, without licence of the Company; or shall, without such licence, hold correspondence with any Prince, Nabôb, or country power in India, or any of their ministers; or shall supply, lend, or procure for the use of any foreign Company, or persons trading under their authority, any money at Respondentia, or any other security, loan, or engagement whatsoever, that then, in each and every of the said cases, it shall be lawful for the Company or their representatives, upon conviction thereof, to suspend or wholly dismiss the said A. B. from the Company's service, the said A. B. having first had notice given him of such his offence, and a reasonable time allowed him to make his defence. And it is farther covenanted and agreed, that in case of such dismission, or in case the said A. B. shall choose, during the continuance of his indentures, to quit or resign the Company's service, and such resignation shall be accepted and agreed to by the Company or their representatives, that, in either of the said cases of

"dismission

" dismission or resignation, it shall not be lawful for the said A. B. to " enter into any new commercial concerns; but nevertheless he, the " said A. B. shall in either of the said cases have liberty and authority " to sell his merchandize and effects on hand, and to collect in his out- " standing debts. And the said A. B. is also made to engage, that he " shall and will, within one year after such dismission or resignation, " transport himself and family to Great Britain in one of the Company's " ships: and in case the said A. B. shall make default in this last-men- " tioned covenant, the said A. B. doth also thereby consent and agree, " that immediately after such default, *it shall be lawful for the said " Company, or their representatives, to cause the said A. B. to be appre- " hended and detained, and to put him and his family on board any of the " Company's ships, for the purpose of being transported to Great Britain.* " And further, in case of such apprehending, putting on board and " transporting the said A. B. and his family in manner aforesaid, the " said A. B. doth covenant, promise and agree to and with the said " Company, that he, the said A. B. his executors or administrators, " *shall not, nor will sue or prosecute the said Company or their Court of " Directors, or any of their Presidents or Councils, commanders or officers " of any such ship, or any other person employed in any of the matters " aforesaid,* in or by any action, suit, or other prosecution civil or cri- " minal for the same; and in case any such action, suit, or prosecu- " tion shall be commenced for any of the matters aforesaid, the said " A. B. doth covenant and agree, *that the general issue may be pleaded, " and that the present indenture or any other special matter may be given " in evidence* by any of the defendants. And it is further and lastly " provided and agreed, that if the said A. B. shall continue in the said " Company's service after the expiration of the said term of " years, that such continuance shall be upon the same terms as are in " the said indenture before made and agreed upon."

The clauses added to the FREE MERCHANT's new indentures are the same as above, with respect to the power given the Company to seize and transport him to England, and his agreeing not to prosecute, save and except, that in the Free Merchant's indentures it is simply stipulated, as before, that whenever the Company or their President and Council shall see cause for the Free Merchant to leave India, they shall have the said power as above, of sending him and his family to Great Britain, after giving him twelve months notice.

Exclusive of the before-mentioned indentures or covenants which the Company's civil servants engage in, there is another, restricting the re- ceipt

ceipt of preſents in money, jewels, lands, or otherwiſe, in compliance with a reſolution of a General Court of Proprietors, for which we beg leave to refer the reader to Nº XXXV. in the Appendix, page 128.

Gentlemen in the military ſervice of the Company have, till the preſent new-faſhioned indentures were ſettled, been uſed to go out without ſigning any covenants or agreements, as upon arrival in India they become liable to the law martial, agreeably to the act of the 27th of George II. and the articles of war eſtabliſhed in conſequence thereof; ſince when they alſo are obliged to enter into covenants. The poor men who go out as common ſoldiers have not yet been deemed of conſequence ſufficient to require covenants; for being generally perſons from whoſe friends the Company have little to fear, they are treated with leſs ceremony, and even in this metropolis, to the great ſhame of the nation, have been, in a moſt infamous manner*, ſometimes forced to go to India whether they would or not.

The new indentures drawn up for the MILITARY GENTLEMEN in the ſaid ſervice (as may be ſeen at large in our Appendix, Nº XXXVI. page 130) reſpect chiefly the receipt of preſents, and the Company's power of ſending them home to Great Britain. In caſe any military gentleman ſhall be diſmiſſed the ſervice, by ſentence of a Court-martial or by a reſolution of the Governor and Council of the ſettlement where he ſerves, or if he ſhall otherwiſe legally quit the ſaid Company's ſervice, in any or either of the ſaid caſes, it is agreed to be lawful for the Company, upon *ten days notice, after the expiration of ſix months* from ſuch diſmiſſion or reſignation, to apprehend, detain, and by force tranſport him to Great Britain, for which it ſhall not be lawful for ſuch military gentleman or his heirs to ſue or proſecute; as is agreed in the before-mentioned caſes of the Civil Servants, Free Merchants, and Free Mariners.

It may be remarked, that in the indentures of Writers there are many obligations to which they are properly enough bound, and among others the following; "To reſiſt thoſe who do ill, to do none themſelves, "and to inform the Directors of the evil done by others." Had the laſt of theſe duties been ſeriouſly encouraged and attended to for the general advantage, by the late and preſent Directors, without ſuffering thoſe party-connections which have of late diſtracted the Company's affairs, to ſuppreſs thoſe acts of their truſt which muſt have been natu-

* This alludes to the well-known practice, which ſeems to have been imported from India, of keeping lock-up houſes for recruiting the forces of the Company; where their miſerable fellow-ſubjects were kept cloſe confined, without communication with their friends, till the Company's ſhips were ready, when they were ſecretly conveyed on board.

rally dictated by reason and conscience, it is probable immense fortunes might not have been so rapidly or frequently made in India; but the situation of the Company's affairs in Asia would have been far more prosperous than at present, and neither attachments or persecutions would probably have been directed to those courses which we have seen them follow.

There is likewise mention made, both in the old and new covenants, "That grievous complaints had been made of governors, counsellors, "and other servants of the Company having been guilty of evil treating "and unjustly imprisoning the natives and black merchants, and by "violence extorting great sums of money from them, who, by reason "of their being at such a distance from this kingdom and the whole-"some laws thereof, have been left remediless, and the Company had "not been able to obtain satisfaction for them;" and on this account the Company covenant with their servants, "that it shall be lawful for "such injured persons to send over their complaints and attestations *to the Court of Directors*, to whom *it shall be lawful* to enquire into the "truth of such complaints, and to judge, determine and award satisfaction to the injured, *by all such ways and means as* THEY *shall* "THINK *just and equitable*."

This clause may be said to contain a directorial confession, that the iniquities it mentions have been long practised in India. Yet, notwithstanding such precautions, the public have certainly cause to think, that the evils therein complained of have, of late years, gone on increasing a thousand-fold. The insertion of this clause therefore never has been, nor probably ever will be of any avail, either for the prevention or detection of those abuses, though it may be ungenerous to suppose it was not formerly intended so to be; notwithstanding we have not of late years heard of any rapacious governors or oppressors being seriously called to account for such offences.

It must therefore be thought for the honour of the Court of Directors, who have for so long a time taken this department of justice into their own hands, to satisfy the nation what encouragements have been really given to the oppressed and complaining natives of Bengal; more especially since the whole inland trade and the revenues have been taken entirely under the direction of them and their chief servants in those dominions, which we know have been, and still continue in the utmost distress. But should such information not be given, the public will have reason to conclude, that such clauses are as unmeaning as they are unbinding and illegal.

But

But it is a question by no means improper to ask, how it became necessary for the aggrieved people in India to apply to a self-erected court of judges in England, for relief by decisions which in their natures must be arbitrary, when there are, or ought to be, courts legally established on the spot fully competent for those and all other good purposes; to the justice of which the natives, if they please, are to be permitted to appeal? The Directors surely have the least pretence of any men to object to the courts of India; which, if corrupted, it is their duty to get reformed; but which in fact cannot be corrupted, except by or with the connivance of themselves or their immediate substitutes.

It is therefore to be feared, upon a due examination into this matter, it will be found that the aim of the Directors, by taking upon themselves the power given by the clause under consideration, could be no other than to add to that dangerous despotism in India which they have long ago assumed; and that, while they have at least seemed to discountenance some enormities that have appeared notoriously unjustifiable, they have resolutely been winking very hard at, if not screening and encouraging the acts of those very servants who have been most suspected, nay accused of persecutions, oppressions and gross breaches of trust.

The conditions imposed on the Free Merchant, merely in consideration of his licence, and "*the enjoyment of* THE COMPANY'S PROTEC-"TION *within the limits of their charter*," are in many points unreasonably severe; but particularly in his being made to bind himself to continuance for a specified term of years at the place appointed for his residence, however unpromising of advantage, or even prejudicial it may prove to him. There, at all events, according to the covenants, he must remain his time out, unless he can obtain a written permission for quitting it; although he is made to bind himself to leave India, with his family, on a year's notice being given him for so doing, even on no better a plea than that his abode there is INCONVENIENT to the Company. He likewise binds himself to deal with no one with whom he is forbid to trade; which is a prohibition, that if made general against any man in India, must be the most barbarous as well as most effectual of all means that could be devised to ruin him. And it is well known, that innocent and worthy men have been destined to ruin by those who have governed there.

But the truth is, with regard to Free Merchants, that, from the conditions imposed on them in England, and the great restraints that have been laid on their dealings in India, it is become such a privilege and

protection as are worth no wise and good man's soliciting, as from the present unfortunate condition of most of those now in India, and particularly in Bengal, is evident; and will become daily more apparent, till the happy establishment of more salutary regulations shall take place, for the safety of those possessions, and to the honour and advantage of this kingdom.'

It is likewise to be observed, that when the licensed emigrants want to remit their fortunes to England, they must invest their effects in the manner only which the covenants prescribe, which is by remittances in diamonds or diamond boart, or by bills of exchange upon the Company; both of which are sometimes impossible, the Governor of Calcutta engrossing the diamonds, and even the Directors sometimes having forbid their Governors and Councils to take money into their treasury for bills on them in Europe.

If therefore the covenants here described be legal, it is evident, that every British subject now emigrating to India is legally exposed to unavoidable ruin, at the option of the Directors or their substitutes, and actually binds himself to what is little less than downright slavery; for, considering the whole tenor of these covenants, the candidate for Asia does in fact agree with the Company, that whenever it is convenient to them, they shall have the privilege of robbing * or depriving him of his property, imprisoning him, taking him from his family, and banishing him from one side of the globe to the other; to all which he will quietly submit, and neither he nor his heirs shall ever prosecute the Company, or their agents, for any loss or damages consequent of such transactions! But however conformable this may be to the *present* laws of England, with respect to persons of age; surely, with regard to the Writers and Cadets, at the age of sixteen years, it may be justly said, that the Directors themselves are guilty of seducing minors, or of imposing upon them such agreements to laws of their own making as are calculated, at a future period, to deprive those young persons of all benefit and protection from the very laws of their country. Think, Britons, who complain of the rapacities of India, what can be expected from those who are trained up from youth to have no conscience of their own! or what must prove the consequences to countries that are without restrictive or protecting laws, and that alike without mercy or forbearance are governed and plundered!

* Whatever distinctions some men may affect to make, every honest man will find it difficult, as to the consequences of the act, to distinguish between the thief who steals his property from him, and the ruffian who, in such a situation, forces him from his property.

CHAP.

CHAP. XI.

On the assumed Right of the East India COMPANY to seize their Fellow Subjects in INDIA, and send them by force Prisoners to ENGLAND; on their abuses of Power in so doing, and on the evil effects thereof.

THE absolute prohibitions of British subjects from going to India, except with licence of the East India Company, now subsisting, and even the arbitrary restrictions and treatment to which those are subjected who obtain such licence, are no less contrary to the spirit and nature of the English constitution, than they are violations of the natural and social rights of mankind.

The exclusive right of trade to and from India, if legally to be given to any body of merchants, was all that could be granted with any colour of justice, even on the appearance of its being exercised to great national utility. But that a sovereign of this kingdom can by any charter, however confirmed, transfer a power to one part of his subjects to imprison, banish and ruin another at their pleasure, either for convenience or from wanton malice or revenge, must be as repugnant to the justice and constitution as it is contrary to the interests of this country.

For the right information of the public on such interesting matters, we will here produce certain cases thereon, which the East India Directors have at different times, for their own information, laid before learned council; with the opinions that were returned them by the Honourable William Murray, now Lord Mansfield, the Honourable Charles Yorke, late Attorney General, John Browning and Charles Sayer Esquires.

Case the First.

9 and 10 William, cap. 44.
5 George I. - 21.
7 ditto - - 21.
9 ditto - - 26.
3 George II. - 14.

"Reference being had to the acts of parliament cited in the margin, The East India Company desire to be advised,

Question. "Whether they have any, and what power, over the subjects of England in general, or over their own servants in particular, both or either of

of them residing in the East Indies? WHETHER the Company can order such persons to leave India and return to GREAT BRITAIN; and, in case of refusal, can the Company forcibly put such persons on board their ships, and bring them to Europe? And, WHETHER the Company can any wise, and how, prohibit any English subject residing in India from trading within the Company's limits without their licence? And in case any such persons should trade in India without such licence, have the Company any, and what remedy to prevent the same, or to punish them for so doing; and in what manner can they do so, and can they withdraw the licence of trading which they have already granted to any of their own servants or others? And in case any such persons should trade after such licence is withdrawn, are they liable to any and what penalty, or can the Company order them to Europe?"

ANSWER *by Mr. Murray*. "The Company may seize any British subjects who trade, or are found within the Company's limits in India, without authority from the Company; and bring them over to England to be prosecuted. The power the Company has over their own servants seems, to me, not so much to depend upon the acts referred to, as upon the charters and bye-laws of the Company. If the licences are granted during the pleasure of the Company, or during the person's continuance in their service, I think they may be withdrawn, and afterwards the person will be liable to all the penalties for trading without a licence, and may be seized and brought over; but if the licences are for a time certain, or indefinite, and understood to be as long as the person licensed has a mind to trade, I do not see how the Company can withdraw them.

(Signed) WILLIAM MURRAY."

31st January 1756.

CASE

CASE *the Second.*

Sept. 10th Wm. III. East India Company's charter granted in consequence of the A. of 9 and 10 Wm. III. and 44.

"And we do by these presents, for us, our heirs "and successors, strictly charge, command, and prohibit all the subjects of us, our heirs and successors, "of what degree or quality soever they be, that none "of them, directly or indirectly, visit, haunt, frequent, or trade, traffic, or adventure into or from "any the said East Indies, or other the parts aforesaid, contrary to the true meaning of the said act, "under the penalties therein contained, and upon "pain of incurring our highest displeasure, excepting "the said Company and such others as may lawfully "go and trade to the East Indies and other the parts "aforesaid by virtue of the said act, or of our royal "charter or charters pursuant thereunto, and excepting "their factors, agents, and servants respectively, who "shall be employed according to the true meaning of "the said act."

By 5 Geo. I. c. 21. sect. 1. Persons repairing to the East Indies contrary to law are punishable: and

sect. 2. The Company may arrest such persons and send them to England.

If any of his Majesty's subjects shall repair to the East Indies contrary to law, the Attorney General, or Company may file informations in any of the Courts at Westminster against the offenders; and

Every subject who shall go to the East Indies contrary to law, shall be deemed to have traded there.

(I. c. 26 sect. 6. If any of his Majesty's subjects (other than such as are lawfully authorized) shall go to or be found in the East Indies, the persons so offending are declared to be guilty of a high crime and misdemeanor, and may be prosecuted in any of the Courts at Westminster; and, being convicted, shall be liable to such corporal punishment, imprisonment, or fine, as the Court shall think fit. And

sect. 7. Persons so offending may be seized and brought to England: and any justice may commit them to the county-gaol, till security be given to appear in such Court where a prosecution shall be commenced, and not

not to depart the kingdom without leave of such Court.

8th Jan. 26 Geo. II. His Majesty, upon the surrender of a charter of the 13th Geo. I. granted to the East India Company certain courts of justice, called the MAYOR'S COURT, at their settlements of Fort St. George, Bombay, and Fort William at Calcutta, in Bengal, for hearing and determining all civil actions and pleas arising within their several jurisdictions.

It happens that several persons, privately and without any licence from the Company, have from time to time gone from England to the East Indies, and have fixed themselves at some of the Company's settlements, and carry on considerable trade in the East Indies for their own private advantage.

This the Company has connived at, and permitted such persons to remain in the East Indies, so long as they did not interfere with the Company's trade or affairs. But *when they have acted to the Company's prejudice, the Company have given directions to the Governors at their several settlements to send such persons to England.*

The Governors make a difficulty in executing of such orders, under apprehensions they may, at their own return to England, be liable to actions for damages at the suit of such persons; and that, in some cases, it is not in their power to comply with the Company's orders: and they give the following instances; viz.

A person is ordered by the Company to be sent to England. This person is a great trader in the East Indies; is considerably indebted to several persons at the settlement where he happens to be resident, and has also considerable effects in the hands of his correspondents in different parts of India.

By such person's being sent to England, in consequence of the Company's orders, his effects are embezzled, or sold greatly under value, his creditors in India lose their debts, and his effects in the hands of his correspondents are in a great measure lost, and the person himself ruined. And yet, if any of these reasons prevail, all the acts of parliament made to prevent subjects going to, or residing in India without the Company's licence, are rendered ineffectual.

QUESTION. WHETHER, notwithstanding these objections, the Company may safely order persons to be sent to England, who have repaired to and resided in India without their licence; and will the Company's Governors or Agents in India, by obeying such orders, be liable to an action at the suit of the person sent home, if such person should

should make it appear he has thereby sustained great damage in his fortune?"

Answer *by Mr. Yorke.* "I am of opinion, that if a person has resided for a considerable time in the Company's settlements, traded openly, been conversant with their governors, officers and agents, and amenable to their courts, such person will be considered as having had a licence in substance, though not in form, by reason of the notice which the Company must be presumed to have of his residence, and their acquiescing without objection. That acquiescence would be sufficient to excuse him from the penalties of the acts of parliament. It seems scarce adviseable to exercise the authority of sending home persons who have gone to India without licence, unless it be recently after their arrival."

Answer *by Mr. Browning.* "Though the Company have an undoubted right of arresting any of his Majesty's subjects who shall repair to India without their licence, I apprehend this power ought to be exercised recently upon such person's arriving in India, or trading there; and that the Company's connivance at any such person's residing in their settlements in India and trading there, for any considerable time, will be considered as a tacit or implied licence so to do: and the seizing of any person who has been thus permitted to reside and trade in India for any considerable time, by which he must necessarily have contracted debts in trade, and have effects in the hands of or demands upon other traders there, would have the appearance of great hardship, and, as I apprehend, would subject the person who should seize him to actions, and raise no small clamour against the Company."

Case *the Third.*

"A person is ordered to be sent to England who owes money to several persons at the settlement where he is resident, and perhaps is unwilling to return. His creditor, either of his own accord or by contrivance with such person, enters an action in the Mayor's Court for the recovery of his debt, and makes an affidavit, that such person was going to England: upon this an arrest-warrant issues from the Mayor's Court, and the person is apprehended, and either held to bail or committed to prison for want of bail."

Question. "What power have the Company in such case over the person so arrested and held to bail, or committed to prison, the Company's

pany's Governor and Council having no power or controul over the proceedings of the MAYOR'S COURT, and what is to be done in such case?"

ANSWER *by Mr. Yorke.* "Till the suit instituted is at an end, I think it would not be prudent for the Company to interpose. If it appeared to be fictitious and colourable, contrived only on purpose to detain the party in India, I am of opinion, that the Company might have redress in *their own courts*, upon applying and making the truth appear by their proper officer."

ANSWER *by Mr. Browning.* "The taking a person under the circumstances above-mentioned out of the hands of a court of justice would, in my opinion, be still more improper and unjustifiable."

CASE *the Fourth.*

"All persons in the Company's service in India are sent to, and continue and trade there by the Company's licence and permission, and are under particular covenants with the Company, according to their several stations.

Besides the Company's covenanted servants, there are several persons, who from time to time apply to and obtain the Company's leave and permission to go and reside in the East Indies, for the benefit of carrying on of trade in those parts; and these persons are not at all in the Company's service, but are called Free Merchants.

Upon this occasion, certain covenants are entered into between such Free Merchant and the Company, containing the place he shall reside at, and the merchandize he shall trade in, or rather what commodities he shall not trade in: besides a variety of regulations for his conduct and behaviour. And, among other things, every such Free Merchant covenants,

"That whenever the said United Company, or their Court of Directors, shall apprehend the said A. B. his residence or trade in the said East Indies, or elsewhere within the limits aforesaid, inconvenient to them, and shall thereupon order him the said A. B. to remove to GREAT BRITAIN, he the said A. B. will, within one year after notice, transport himself, his family and effects to GREAT BRITAIN, in the ships employed by the Court of Directors aforesaid, and no others; which effects shall be returned in diamonds or diamond-boart, or such other commodities as shall from time to time be licensed or allowed by the said Court of Directors, and not otherwise."

" It is doubted whether any of the Company's covenant-servants and free merchants, under any of the acts of parliament before stated, are liable to be apprehended and sent to England by any orders from the Court of Directors, they being all of them licensed and permitted to go to and reside in the East Indies."

QUESTION. " WHETHER the Company's servants and free merchants can be ordered to be sent to England; and, if they should refuse to obey such orders, Whether the Company can anywise, and how compell them to return; and will such persons incur any and what penalties for continuing in India, after notice of such orders for their return to England?"

ANSWER *by Mr. Yorke*. " As to the Company's servants and free merchants, they are clearly not within the words or intention of the act; being properly licensed. The only remedy against them, if they disobey orders, will be damages on breach of their covenants.

9th November 1757. CHARLES YORKE."

ANSWER *by Mr. Browning*. " I apprehend the Company's servants or free merchants who go to India with licence, cannot be forcibly sent to England; but if they are dismissed from the Company's service, (if servants) and forbid to trade in India any longer, they shall continue to trade, otherwise than by getting in their effects, I think they will subject themselves to the forfeitures inflicted on unlawful traders by the statute 9th Wm. IIId.

9th November 1757. JOHN BROWNING."

CASE *the Fifth*.

" The Governor and Council at Bengal having, in their letters to England, expressed their doubts with respect to the powers they have of sending to England, persons who misbehave themselves, especially military officers, who till very lately signed no contract or agreement with the Company, the Court of Directors think it highly essential for the interest of the Company to have these matters ascertained, and to obtain farther parliamentary powers, if necessary.

MR. SAYER therefore will be pleased to peruse the papers and former opinions of Council herewith laid before him, and to give his opinion touching the powers which the Court of Directors, or the Company's

presidencies abroad have over the several orders of people residing in the East Indies, with respect to the ordering and sending them home, in case of misbehaviour or dismission from the Company's service, or their own voluntary resignations, viz. civil servants, military officers, free merchants, seafaring people and their families; and any other persons residing in India, with or without the Company's licence. And Mr. Sayer will also be pleased to consider the powers of the Company here, or their presidencies abroad, with respect to their taxing, or assessing the inhabitants for the necessary support and charges of government: and upon the whole,

QUESTION. The COURT of DIRECTORS desire MR. SAYER's opinion as to what measures it will be proper for them to take, and what orders to give, in the several matters abovementioned, to their several presidencies?"

ANSWER. "I don't find in the agreements entered into between the Company and their civil servants, military officers, and seafaring persons any covenants on the part of such persons, which oblige them to leave India and return home, though ordered by the Company so to do (be their continuance ever so dangerous to the Company's affairs) excepting their agreements with the free merchant, who covenants, that upon being ordered by the Company to leave India, he will, within a year after such notice, transport himself, family and effects to Great Britain. Had such a covenant been entered into by the civil, military, or seafaring persons, and they had refused to return to England after proper notice had been given them so to do, I should have had but little scruple in advising the Company to bring them home forcibly, though they are not strictly within the description of those offenders, who may lawfully be brought from India by force. But it is so fully within the intention of the many acts of parliament for securing an exclusive trade to the Company, that no British subject shall be in India, without the Company's consent, that I think, a person brought from thence by force, who had covenanted to leave India upon notice, and refused so to do, would, upon an action brought for such force, recover damages *too trivial for the Company to regard.*

As the Company's stipulations with their civil and military servants are so very defective, application should be made to parliament for a clause to be inserted in an act, that all their civil servants, or military officers, who have been dismissed from, or left the Company's service, and all those whose agreements with the Company for residence in India

India are expired and at an end, and ſhall refuſe to leave India, in order to return to Great Britain, after three months notice given to ſuch who are military officers and ſeafaring perſons, and twelve month's notice to ſuch who are civil ſervants, and free merchants, ſhall be ſubject and liable to all the penalties and forfeitures contained in the ſeveral acts of parliament for ſecuring the excluſive trade to the Company, againſt Britiſh ſubjects, who trade, or are found within the Company's limits in India, without their licence or authority; ſuch a clauſe, in my opinion, *may be eaſily obtained from parliament*, almoſt without debate, as the penalties have already been approved of by parliament, and the perſons wanted to be included therein being fully within the deſcription of trading, or being found in India without the Company's licence.

12th Oct. 1767 CHARLES SAYER."

Such were the opinions of the great lawyers to whom the Eaſt India Company applied, upon the right in queſtion: and the learned gentleman whoſe opinion is laſt, not only ſeems to encourage his clients to the practice of impriſoning and tranſporting, becauſe the damages that would in certain caſes be recovered by the injured, would be too trivial to be minded, but alſo ſeems to have thought, that the Company would readily obtain any powers for practiſing this ſpecies of tyranny, by only aſking them of parliament. Encouraged therefore by this opinion, and alſo inſtigated by the private motives mentioned in our laſt chapter, the Court of Directors, by their Chairman, then a member of the houſe, in March 1770, attempted in parliament to obtain the paſſing of the bill already mentioned, which under the ſpecious title of a "Bill for compelling perſons diſmiſſed the ſervice of the Eaſt India Company, to depart from the Eaſt Indies, and for better regulating the ſervants of the ſaid Company," was artfully contrived to extend the powers of the Company by the formal ſanction of the preſent parliament: for this bill, in its original form, did not alone reſpect perſons diſmiſſed the ſervice, as would appear from the title, but extended indiſcriminately to all Britiſh ſubjects, who were thereby to have been made liable to be ſent from India to England by force, at the option of the Company, or their Governors and Councils; if ſeafaring or military officers, upon only ſix, and if Company's ſervants, or free merchants, upon twelve months notice.

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A public spirited gentleman * who, having for many years resided in Bengal, as a free merchant and in the Company's military service, was well acquainted with the evils consequent of the too great powers already exercised by the Company, and who might himself also be materially affected by the intended bill, presented a petition to the Honourable House of Commons, representing that such part of the bill in question as respected the 'authorizing of the Company to send to England any of his Majesty's subjects from the British settlements in the East Indies without their own consent, or otherwise than by due course of law, was, as he humbly conceived, contrary to justice and the fundamental principles of the constitution: and praying to be heard at the bar of the house, by himself or his council, against 'such part of the said bill.

Counsel was accordingly retained, and prepared to be heard before the house, and the following reasons against the exceptionable parts of the bill were printed off, and distributed among the members of parliament, viz.

1st. " Because by this bill the Company will be impowered to inflict, upon British subjects, the most severe of all punishments, except death, viz. imprisonment, banishment, and total deprivation of property, not only without any legal process, but even without accusation of any crime; a power which is conceived to be inequitable and oppressive in the highest degree, and such as is seldom exercised even under the most absolute and arbitrary governments in the world.

2dly. Because, under colour of this power, the Governor and Council of any settlement in India, upon the most capricious and causeless dislike taken against any British subject there, or on a rivalship in trade with any of the members of the Council, may suddenly, and irretrievably, effect his total ruin, though such person should never have been concerned in any trade, or other matters, that interfered with the real interests of the Company, in any manner whatever

3dly. Because there is not any just pretence for granting any such injurious or unconstitutional power to the Company; they having by laws and institutions already established, and now in force, a sufficient remedy against any encroachments upon the privileges of their charter to the injury of their interests.

4thly. Because if it is even pretended, that there are any misdemeanours which the Company is not empowered to punish, by any statute

* The gentleman to whom the public are indebted for this commendable conduct was *Archibald Keir*, Esquire.

now

now exifting, which may render the refidence of any Britifh fubject in India dangerous, or prejudicial to their intereft, they may eafily be prevented by the covenants entered into with the Company, or fpecified by the Directors, and provided againft by the wifdom of parliament, in a regular, legal, and conftitutional manner, by fome judicial trial on the fpot, in order to intitle the Company to the exercife of fuch powers.

5thly. Becaufe Britifh fubjects, going out and fettling in the Eaft Indies with the licence of the Company, carry with them the rights and privileges not only of men, but of the Britifh conftitution, which, it is apprehended, cannot be furrendered to any company of merchants, fo as to render their freedom and property dependent---not upon general principles of juftice and equity---not upon the known laws of their country---but upon the arbitrary and capricious will of fuch merchants or their fervants.

6thly. Becaufe the granting fuch powers to the Company would be contrary not only to the general laws and conftitution of Great Britain, but repugnant to thofe particular ftatutes or acts of parliament now in force with regard to the Company; which feveral acts, refpecting the power of fending perfons to England, relate only to perfons going out to India without the licence of the Company; and the preambles of the faid acts plainly fhewing it was the view of the legiflature to give encouragement for perfons to go out, and refide and fettle at the Company's feveral fettlements.

7thly. Becaufe the Mayor and Aldermen, or Judges of the King's Court of Record, in which all matters of property are determined, called the Mayor's Court, as well as the juries on all criminal matters at the quarterly courts of feffion of Oyer and Terminer, confift of free merchants, free mariners, and Company's fervants; and if this bill fhould pafs into a law, all the members of the faid courts and juries would be reduced to fo abfolute and fervile a dependance upon the Company, that the will of their Governors and Councils alone would influence or direct their decifion, to the total fubverfion of all equity and juftice; which, it is prefumed, cannot be intended by the legiflature.

8thly. Becaufe this bill, if paffed into a law, would operate as an act *ex poft facto*, refpecting thofe who have already gone to India under the former powers which the Company poffeffed; and alfo as to thofe who have become fettled inhabitants of the different prefidencies in India, and who may have launched largely into trade, and other branches of lawful and ufeful occupations, under the affurance that the general protection of Great Britain was fecured to them by the King's courts, without their being liable to be fent out of the country upon twelve months or fix

months

months notice; notwithstanding they may have numerous suits, claims, or demands, for themselves or others, against the East India Company, or against the very men who are left to be the sole judges when those arbitrary orders are to be put in execution; which must ruin credit by destroying all security.

9thly. Because this part of the bill is calculated merely to favour the oppressive and selfish monopolies in the trade of the country, which have prevailed there of late years, to the great detriment of the true interest of the East India Company as well as of the nation in general; for the promoters of this bill are defied to shew any one instance, where the residence of a free merchant, free mariner, or Company's servant, in the East India Company's settlements, can be of the least detriment to the said Company; on the contrary, the principles upon which the different charters have been granted, and the acts of parliament confirming them, invite European inhabitants from all parts of the globe; and this bill would leave foreigners under more favourable circumstances than his Majesty's subjects, since it is admitted, by act 5 Geo. I. cap. 21. that such persons, not subjects of his Majesty, cannot be removed from the settlements, while they demean themselves agreeably to the laws of the community, which is all that his Majesty's subjects are now contending for.

10thly. Because the motives upon which the act of the 5th Geo. I. cap. 21. was passed, and also the motives upon which the act of the 7th of Geo. I. cap. 21. was passed, and upon which motives the present bill ought to be regulated, are artfully suppressed, and the reader is made to believe that these laws are actually enacted with a view to enable the Company to send British subjects out of India who were only carrying on the trade from port to port, or place to place, IN that country; whereas the legislature never had any such intention, which (as has been said before) would have been contrary to the first principles of the establishments. But the whole view of the legislature was to prevent British subjects from trading TO AND FROM the East Indies, or acting under foreign commissions, as a recital of part of the said act will sufficiently shew *, and a view of the whole act will demonstrate.

11thly. Because the great numbers of his Majesty's subjects in the East Indies rather merit the attention of the legislature, to restrain the tyranny

* "And it is also provided by the same act, and by subsequent laws, that all the goods, wares, merchandizes, and commodities, to be laden upon any ship or ships bound from the East Indies, or parts within the limits aforesaid, should be brought, without breaking bulk, to some port of Great Britain, and there be unladen, and put on land: notwithstanding which just and reasonable provisions and restrictions, several of his Majesty's subjects, not entitled under the said act of parliament, have presumed

tyranny and oppreſſions which have been exerciſed of late by the ſuperior ſervants of the Eaſt India Company, in order to create monopolies, than to allow thoſe ſervants any new extenſion of powers repugnant to the conſtitution, with a view to promote thoſe deſtructive meaſures, whereby many thouſands of Britiſh ſubjects muſt be expoſed to ruin, and rendered ſervilely dependent upon the Governor and Council.

12thly. Becauſe, by the Charter of Juſtice of the 26 Geo. II. it is there recited, that the conduct heretofore purſued had very much *encouraged not only our own ſubjects*, but likewiſe the ſubjects of other Princes, and the natives of the adjacent countries, to reſort to *and ſettle in* the ſeveral towns of Madraſs, Calcutta, and Bombay, and other forts and factories, for the better and more convenient *carrying on of trade*, by

[illegible] to trade into, and viſit the ſaid Eaſt Indies, and other the places aforeſaid, in foreign and other ſhips, intending [illegible] goods, and bring them into Europe, and land them in foreign parts out of his Majeſty's dominions, to the great prejudice of the trade of this kingdom, and the diminution of his Majeſty's cuſtoms, and [illegible] duties. All which practices being conſidered, his Royal Highneſs George Prince of Wales, then guardian of the realm of Great Britain, and his Majeſty's Lieutenant within the ſame, was pleaſed, on the eighteenth day of October, which was in the year of our Lord one thouſand ſeven hundred and ſixteen, to iſſue forth a proclamation (amongſt other things) ſtrictly charging and commanding all his Majeſty's ſubjects not to ſerve on board any foreign, or other ſhips, with foreign commiſſions and colours, bound to or from the Eaſt Indies, or any of the parts aforeſaid; or directly or indirectly to viſit, haunt, frequent, trade, traffic, or adventure into or from the ſaid Eaſt Indies, or other the parts before-mentioned, contrary to law. But notwithſtanding the prohibitions contained in the ſaid acts of parliament and proclamation, and in defiance of the ſame, ſeveral evil diſpoſed perſons have gone on to procure and obtain ſeveral foreign commiſſions and paſſes, and under colour thereof, or otherwiſe, have fitted out and manned ſeveral Engliſh, and other ſhips or veſſels, and have ſailed with, or ſent out the ſame, to trade and traffic in the Eaſt Indies, or other the parts aforeſaid. Now, to the intent that ſuch colluſive, fraudulent, and illegal trade and practices may be prevented, and that ſo conſiderable and beneficial a branch of trade may be ſecured to this kingdom, be it enacted and declared, by the King's moſt Excellent Majeſty, by and with the advice and conſent of the Lords Spiritual and Temporal and Commons in parliament aſſembled, and by the authority of the ſame, that if any of his Majeſty's ſubjects ſhall, from and after the twentieth day of February, in the year of our Lord one thouſand ſeven hundred and eighteen, ſail, go, or repair to, or be in the Eaſt Indies, or parts afore-mentioned, or any of them, contrary to the laws now in being, or contrary to the tenor of this act, every ſuch perſon or perſons ſo offending ſhall be liable to ſuch puniſhment as by any law or [illegible] now in being may be inflicted for ſuch offence.

And to the intent that ſuch offender and offenders may be brought to juſtice, it is hereby enacted, that it ſhall and may be lawful, to and for the United Company of Merchants of England trading to the Eaſt Indies, and their ſucceſſors, to take, arreſt, and ſeize, or cauſe to be taken, arreſted, or ſeized, ſuch perſon or perſons, being a ſubject or ſubjects of his Majeſty, his heirs or ſucceſſors, at any place or places, or where he or they ſhall be found within the limits or places aforeſaid, and the perſon or perſons ſo taken, arreſted, and ſeized, to ſend and remit to England, there to anſwer for the offence aforeſaid according to due courſe of law.

And it is hereby further enacted, by the authority aforeſaid, that all and every perſon or perſons, who from and after the fifth day of February, one thouſand ſeven hundred and eighteen, ſhall procure, ſolicit for, obtain, or act under any commiſſion, authority, or paſs from any foreign prince, ſtate, or potentate whatſoever, to ſail, or go, or trade in or to the Eaſt Indies, or any the parts aforeſaid, every ſuch perſon or perſons ſo offending herein ſhall incur and forfeit for every ſuch offence the ſum of five hundred pounds."

 which

which means ſeveral of the ſaid towns, factories, and places were become very populous, &c. &c. Which ſufficiently ſhews, that the acquiring of inhabitants, and carrying on the trade of the country, were principal motives for the different eſtabliſhments. And whereas by the ſaid charter, "the Aldermen, or Judges of the Mayor's Court, are to "continue in their reſpective offices of Aldermen for and during the "term of their natural lives, unleſs their ſaid places ſhall be voided, "or themſelves removed, in ſuch manner as is therein after mentioned." Therefore, if this bill ſhould paſs into a law, all thoſe wiſe and judicious inſtitutions of our anceſtors, to collect inhabitants, and to maintain the purity of the courts of juſtice would be defeated; and thoſe courts of juſtice, when deprived of their independence, could only remain the engines of oppreſſion."

Every thing was thus prepared to bring this important matter to a full diſcuſſion before the Houſe of Commons, in the courſe of which many of the enormities committed in India in conſequence of the Company's abuſe of this unconſtitutional power of ſuddenly ſeizing, impriſoning and tranſporting their fellow-ſubjects, would naturally have become the object of conſideration to the Houſe; but the promoters of the bill, conſcious of the badneſs of their cauſe, and dreading the conſequences of ſuch a diſcuſſion, took the more prudent part of agreeing to withdraw all the exceptionable clauſes and amend their bill, which, after being purged by the committee to whom it was referred, at laſt produced the act of the 10th of his preſent Majeſty, intituled, "An act "for better regulating perſons employed in the ſervice of the Eaſt India "Company, and for other purpoſes therein mentioned," in its preſent form, wherein there is not one word mentioned about the ſeizing perſons in India, and forcibly ſending them to England. However by the expunging of thoſe parts of the bill which were excepted to, reſpecting the extenſion required of thoſe pernicious powers, a diſcuſſion was evaded which might have led to the relieving of Britiſh ſubjects from the difficulties under which they now labour from illegal impriſonments in India; left as they are to ſhift for themſelves in combating laws of ambiguous and contradictory natures againſt a powerful and opulent Company, under this farther diſadvantage, that damages, when obtained, will be "*too trivial for the Company to mind*," and of courſe too trivial to prevent any wanton breach of the laws, or to prove an adequate ſatisfaction for injuries ſo ſuffered.

Various have been the abuſes practiſed by the Eaſt India Company and their ſubſtitutes in Bengal, in conſequence of this pretended right of ſeizing and forcibly ſending ſubjects out of India, by ſuch acts of violence

violence and outrage committed in the Britiſh ſettlements, within the diſtricts of the charter, as ought to kindle indignation in the hearts of every well-wiſher to this country and the human race, and draw on thoſe who have been guilty of them the utmoſt vengeance of the laws. As no general deſcription can convey an idea of the cruelty of ſuch acts of oppreſſion and inhumanity equal to that, which muſt be conceived from the ſimple recital of facts, we beg leave to refer the reader to the following caſes in the Appendix, viz. N° XXX. the Caſes of Benjamin Wilding and John Petrie, Eſquires, page 81; N° XXXI. the Caſes of Mr. Vernon Duffield and Mr. Francis Robertſon, page 97; N° XXXII. the Caſes of Mr. James Nicol and Mr. Thomas Davie, page 111; and N° XXXIII. the Caſe of John Nevill Parker, Eſquire, with Sir Fletcher Norton's opinion thereon, page 121. In which caſes will be found inſtances of every ſpecies of abuſe and perverſion of juſtice; of illegal impriſonments, barbarous acts of violence and ruinous tranſportations; of lawyers, juſtices and judges refuſing, or evading the diſcharge of their reſpective duties in the moſt preſſing exigencies, and on the moſt important matters; ſuch as when Britiſh ſubjects were beſieged, or barricadoed up in their own houſes, deprived of light, of food, and even obliged to live amidſt their own excrement; cruelties that hitherto ſtand perhaps unparalleled in the records of nations, on ſuch pretences as were urged for them in India; and ſuch as, according to the conſtitutional laws and cuſtoms of this country, no offences or crimes in the parties, if any ſuch had been proved, could poſſibly have authorized being practiſed.

After peruſing the caſes referred to, and having attentively conſidered the reaſons publiſhed againſt the before-mentioned bill, brought into parliament for a confirmation and extenſion of a power ſo very dangerous and unconſtitutional, the reader will be enabled to form a tolerable idea of the policy and purſuits of the Eaſt India Company, and thoſe who have acted for them. Many other grievances that have been lately ſuffered in India, equally oppreſſive with thoſe we have taken no tice of, might be inſtanced. They are however all comprehended in thoſe two eſſential points, the loſs of liberty and the loſs of property; and the caſes already adduced will be ſufficient to convince every juſt man, that it can never be ſafe in any community to leave rulers unreſtrained by determinate laws, to act as their own conveniences or inclinations may direct. The wiſdom of the legiſlature has guarded the ſubject againſt this kind of power in every part of the Britiſh dominions, except the Eaſt Indies.

The effects in India of ſudden tranſportation, with reſpect to the deſtroying of credit and all private ſecurity, muſt appear evident, and indeed have been ſeverely felt by the generality of Britiſh ſubjects ſince thoſe tyrannies have been practiſed in Bengal; for it is well known, that any young writer in the Company's ſervice will now find it more difficult to borrow *five hundred* rupees from a Black merchant, than ſix years ago he would have *five thouſand*.

When perſons quit India, it has been uſual for them to leave a conſiderable part of their property behind them. But while ſuch is the practice, or the aſſumed power of the Company, or their Governor and Council, in whoſe hands can any man truſt his property, where every one is in the ſame predicament, of being liable to be ſent away, whenever the doing it may appear convenient either to the Company or their Governor and Council, who make themſelves abſolute arbiters of the expediency of ſuch acts? Or who will buy either houſes, goods, or ſhips, of obnoxious or perſecuted people, who muſt of neceſſity ſell them in a ſhort time, eſpecially when it may eaſily, and moſt probably will be hinted to them, that if they do ſo, they themſelves ſhall ſoon follow? But on ſuch an event, what muſt become of the debts due to exiles, or of the ſuits at law in which they may be engaged, either for themſelves or others? Theſe it muſt be ſuppoſed, or the greater part of them, will be inevitably loſt; for who would be in a hurry to pay or ſettle accounts with ſuch devoted people, when their not doing it would inſure them favour; and where the very Aldermen of the Mayor's Court, the creatures, nay perhaps the determined tools of a Governor and Council, are the only perſons to compel payment, eſpecially when it is known ſuch perſons have only a few months to remain in India? Many mercantile adventures, in which merchants eſtabliſhed in India are often engaged, cannot be concluded within the ſpace of two years, as is well known to thoſe who have reſided and traded there. Should ſuch traders be ſent ſuddenly away, who would there be to liquidate matters properly on the returns of veſſels? In any or all of theſe caſes, the Governor himſelf, or he and ſome of his chief counſellors, might become the purchaſers of all the houſes, ſhips, goods, or merchandize in the ſettlement; which would be no ſmall *ſtroke* in trade, and of a piece with many ſuch *ſtrokes* as have been often known to be *ſtruck* SUCCESSFULLY under arbitrary or deſpotic governments.

We know the aſſumed powers given by royal patents have been often pronounced illegal, and of courſe invalid, by the courts in Weſtminſter Hall; ſo likewiſe the excluſive right of trade, from the Cape of Good Hope

Hope eastward to the Streights of Magellan, as granted by King William to the India Company, and approved by parliament, was almost immediately set at nought by a self-erected, unchartered company of adventurers, who traded directly to India, in defiance of the king, ministry and parliament, after an hundred and seven thousand pounds had been expended to obtain and secure, as was imagined, that exclusive privilege. Nay, that very government-defying company, for the sake of a public loan, obtained, some years afterwards, an act of parliament to authorize the same King William to grant *them also* a charter for trading to the East Indies; which was accordingly done, though the former exclusive charter continued apparently in force, for the possessors of it were still prosecuting their trade. The two companies were afterwards united, by an act of the 6th of Queen Anne; when they had jointly the exclusive right of trade given them, as usual, from the Cape of Good Hope eastward to the Streights of Magellan.

It is true, that in the sixth year of the reign of Queen Anne, government had been expressly empowered by parliament to grant a new charter to the two East India Companies, with an exclusive right of trade to the extreme * extent already mentioned, in consideration of a loan which they were to supply. But all the East India Company's claims of exclusive right of trade to the most southern parts of America, as well as to many other countries within their absurd boundaries, to which they never yet have traded, nor probably ever will, were effectually invalidated on the establishment of the South Sea Company, three years afterwards:

* By the tract or line marked for exclusive commerce granted to the East India Company, from the Cape of Good Hope eastwards to the Streights of Magellan, the countries included must naturally have been supposed to be, the Coast of Africa, beyond the Cape; those of the Red Sea; the Gulph of Persia; all India, China, Japan, and round by the South Seas to those Streights: or, in other words, that the Cape of Good Hope and the Streights of Magellan were to be the two maritime doors to India, which no English trading ships were ever to pass but those of the Company, under the penalties of seizure of persons, confiscation, and other severe damages.

But in the ninth year of the same reign (1710) the ministry having near ten millions of increased national debts, which they found themselves necessitated to fund, as an expedient for that purpose, they obtained power from the parliament to establish the South Sea Company; with an exclusive right of trade from the river Oronoko, round *Tierra del Fuego*, or the land of Cape Horn, through the South Seas, to the northernmost parts of America. They were however prohibited from trading to Brazil and Surinam, *because* the former belonged to the Portugueze and the latter to the Dutch, who being then respectively the good allies of this nation, trade with their American colonies was left open to all British subjects. But the Spanish ports, or any others within those extensive boundaries, were only to be traded to by the South Sea Company, *because* England was at war with the Sovereign then on the Spanish throne: although the Company could not at that time carry on any trade with those countries.

Such were the baits used for catching gudgeons; who accordingly subscribed *locked-up-debts* towards a *Trading-stock*, for prosecuting commerce where it could not be carried on; and which even with the aid of the *Assiento Contract*, after peace became established, was never farther pursued than to swell that Stock into a Bubble, which ten years afterwards burst into widely-spreading ruins.

afterwards: as by the exclusive rights of trade given to the latter, the East India Company was precluded the navigation of the South Seas; the prescriptive line of their exclusive right being then turned the other way from the Cape of Good Hope, through seas without land. Nor indeed could the East India Company's ships go either way from that Promontory to those Streights without breaking the boundary-lines for exclusive navigation granted to the new-erected Company.

Most, if not all the Charters which had been granted before that of the 10th of King William, were to Companies of Merchants trading *into India*. That of the Second Company, then established by that Monarch, was a shameful grant, because his First Company was then existing with a sole exclusive right, as far as he could grant it; and on the plea of a loan, for which he granted the Second, he might as well have granted twenty more: for had his first exclusive charter been constitutional, the laws must have given it a permanent force. However, his second charter was granted to a Company of Merchants trading *to India*, by way of evasive distinction. But in the charter of the 6th of Queen Anne, for uniting the two Companies, they were separately mentioned, as *the Merchants of London trading* INTO *the East Indies*, and *the English Company trading* TO *the East Indies*; with express reservation of the sovereign rights and power over all forts, places, plantations, and settlements, in which the laws of England were to prevail; and with a regulated coinage. By this charter was given to this United Company the exclusive right to trade *to* and *from* the East Indies; and when their exclusive right was further prolonged, they were thenceforward called *The United Company of Merchants of England trading to the East Indies*, but without the word *in*: and therefore internal trade could not fairly be implied for India, any more than for England. It was not till the reign of George the First that such an extension of exclusive right was expressed; when other subjects were, by acts of parliament, expressly prohibited trade, traffic and adventure *in, to* and *from the East Indies*. Perhaps the Company first obtained the insertion of a comma that formed two words out of one, by artifice, and so made the grant in the old idiom, of *into and from*, better serve their purpose by the new reading then first given them, of *in, to and from*; for the inferences natural to be drawn from a British grant of exclusive right to trade IN India, are too absurd to admit even a supposition that the legislature really meant it for all the interior parts of India; or even for all trade within the immediate jurisdiction of the Company's own settlements.

While the East India Company continued entirely commercial, and had but a few acres of land assigned them, on which they were permit-

ted to eſtabliſh factories, only for the convenient carrying on of their import and export trade, which was all that, as merchants, they could have occaſion for, the Indian Princes keeping to themſelves the regulating and managing of government and all internal traffic; in ſuch a ſituation of things, had an Engliſhman gone out in a foreign ſhip, to a foreign ſettlement in India, and from thence paſſed into the inland territories of any Prince of the country, there to carry on trade which did not interfere in any ſhape with the dealings of the Company, or thoſe of any of their European rivals; never intruding on the Company's lands or ſettlements, and without ever doing them any kind of injury whatſoever; but proceeding innocently and honeſtly in the acquiſition of a fortune, on the view of returning with it to his native country, it is ſubmitted to the opinion of every able and upright lawyer, Whether ſuch a man was really tranſgreſſing the laws of his country? Or, if any agents of the Company ſhould find means to get him into their hands, Whether they would have a conſtitutional right to harraſs, confine, and forcibly ſend him a priſoner to England? Or whether by ſo doing they ought not to be made anſwerable, by juſtice in England, alike for all injuries in fortune as well as perſonal ſufferings that were ſo occaſioned by them?

The Company and their ſervants in India, however, pretend they have a right ſo to act. It was on this ſuppoſition at leaſt, that they ſeized on the perſons of Mr. James Nicol and Mr. Thomas Davie in the dominions of Sujah al Dowlah; though on the ſame principle they might as well purſue, as lawful prey, any Britiſh ſubject who was only travelling for the ſake of curioſity, or of ſcience, even from the bottom of the Bay of Bengal to the borders of Ruſſia, if they could extend their pernicious influence ſo far; ſince their limits are not bounded by any line northward. Nevertheleſs, every man muſt have the natural right of going where he pleaſes, to diſpoſe of his own lawful property, and to extend his trade wherever he can gain admittance, eſpecially as by the Engliſh laws, particularly the Statute of the 19th of Henry the VIIth, Engliſh Merchants in any nation in amity are acknowledged to be ſubject to the laws of that country where they reſide, and conſequently ought to be under the protection of the laws of ſuch countries, in the ſame manner as the ſubjects of any other country, when reſident in Great Britain, muſt be ſubject to and are protected by the Britiſh laws.

It may be alledged, on the part of the Company, that no Free Merchant, Free Mariner, or Company's Servant can trade in India, but in conſequence of a licence obtained from them for a certain time: and

and that a licence accepted for a limited time, implies a power in the granter to refuſe a renewal of it for any farther time, under which known conditions every one goes out to ſettle there; and therefore, after having ſolicited and accepted the firſt grant as a benefit, no perſon can have reaſon to complain, at the expiration of the time limited, if a ſecond ſhould be refuſed him.

To which it may be anſwered, not diſputing here what the conſtitutional rights of Engliſhmen formerly were, or now are, within or without the immediate ſettlements of the Company, that there is always ſuppoſed to be a mutual convenience, or advantage in all ſuch engagements, and that honour ſhould ever regulate either party in their conduct. With reſpect to Free Mariners, or Free Merchants, that mutual convenience muſt be ſuppoſed to laſt ſo long as new licences continue to be granted: and therefore, if the poſſeſſor of an expired one has not done any injury to the Company, or been guilty of any crime, not to ſuffer his continuance in a ſtation that had been hazardous and expenſive for him to get into, is a moſt unjuſt, arbitrary and wicked exerciſe of power. Should it be ſaid, that the Free Merchant's indentures ſtipulate, that he ſhall leave India whenever his ſtay there ſhall become inconvenient to the Company, it may be anſwered, that the ſame indenture, more in the ſpirit of the conſtitution, and agreeably to the true intereſts of the Company, oblige him to remain in India for the ſpace of five years; which does not at all imply that his time is out then, if he ſhould chooſe to remain longer, and demean himſelf with obedience to all lawful orders and regulations preſcribed by the Company. That clauſe in the contract whereby the Company make him bargain with them, that they ſhall have power to ſeize him and ſend him by force a priſoner to England upon twelve months notice, whenever they deem his ſtay inconvenient only, is in its nature abſurd and ridiculous, as well as illegal; for it makes him bargain to give away his natural rights, which it is conceived a man can no more do by law, than he can bargain away his life.

But there is a direct unconſtitutional uſe to be made of ſuch power, which is, as we have ſeen, that of employing it to puniſh men for doing their duty even in courts of juſtice. They may diſoblige men in power by refuſing to be pliant judges, if in the Mayor's Court; or pliant jurors, if impannelled as jurymen at the ſeſſions; and may be therefore puniſhed with ruin, in revenge for their honeſt diſcharge of the firſt ſocial duty: which motives, as well as many others that might be inſtanced, though they are ſuch as only wicked men could be influenced to avail themſelves of, yet the power is ſuch as ought not to

be

be entrusted even with the most just. Nor can it be other than impolitic in, and injurious to the very Company, if they knew their own true interests, for their servants in India to be vested with such powers: for the natives of Bengal, who see that no such violences are ever committed in the French or Dutch settlements there, must naturally entertain unfavourable notions of the English government, at least on this point; and another natural consequence is, the forcing of British subjects, for the probable security of at least some part of their fortunes, to seek that protection among foreigners which they find they cannot enjoy in the British settlements.

Instead, therefore, of discouraging British subjects from going to British settlements, or driving away such as are already settled there, the Company should, by all means in their power, encourage and protect them in such residence, as they would thereby accommodate a greater number of his Majesty's subjects, to the augmentation of trade, particularly in the sales of British commodities; and with the consequent increase of population, an increase of revenues must necessarily follow. But above all, a greater number of British inhabitants in the settlements of the Company would give them, without expence, a strength and stability which they can never otherwise possess.

The gallant behaviour of the inhabitants, free merchants and free mariners, when Calcutta was lost in 1756, and retaken in 1757, may be mentioned as a proof of what we advance. But still a stronger instance of the same kind was given in the year 1759, against the Dutch; when, had it not been for the spirited and active behaviour of the inhabitants, the Company's military force would not have been able to cope with their enemies. Again, upon the rupture with Cossim Ally Khawn, in the year 1763, the European inhabitants of Calcutta were formed into four companies of militia, and properly disciplined for the defence of the settlement, while all the regular troops were sent to a distance against the enemy; however, after the happy defeat of that Nabôb at Gareea, there was no farther occasion for the service of the militia. But upon all these occasions the very existence of the Company was wholly at stake, though in the end, fortune favoured them with the rich acquisitions which they now possess in Bengal.

If, therefore, there be any power which, in the present situation of their affairs, is really necessary to the Company, it is the power of effectually controuling, or punishing their servants in India, for disobedience of orders, breaches of trust, or other acts of misbehaviour, and not this power of seizing and transporting their fellow-subjects at will. On the contrary, the free and full exertion of the English laws

in their settlements, and the power of the subject effectually to apply to those laws, when injured, would be the best, nay perhaps is the only possible check the Company can ever have against such misbehaving servants.

Banishment, or transportation, is certainly the next degree of punishment to that of death; but it is more than doubly increased when made likewise the cause of deprivation of fortune, which, as we have shewn, on the present system of the Company's affairs, must ever be the consequence of the sudden removal of a merchant from Bengal to Europe: and it is inconceivable how the British legislature could ever have given even the appearance of their sanction to so illegal an exertion of power as that by which the Company's servants now tyrannize. When one law is made that is incompatible with the general principles of the constitution, a thousand absurdities must be consequent thereof. Thus, in the instance now before us, among many other absurdities, we see the deputies of the deputies of a company of merchants exercising in the British settlements in Bengal a power of withdrawing protection, and of inflicting, at will, the heaviest punishments on British subjects; such as, in this happy country, neither the Sovereign, the Lords, nor the Commons, can separately do, or inflict; nor legally any power but that of the whole legislature, by an express act for every particular purpose, after a legal trial and conviction of the party for crimes deserving of such punishment. We see even foreigners left to enjoy, in a British settlement, the privileges of security in their persons and property, from which Englishmen are formally excluded: and admitting that an Englishman had been guilty of a crime against this Company which could, from the laws in their favour, warrant a criminal prosecution; in such case, contrary to one of the fundamental principles of the English constitution, he is removed from the country in which the offence is supposed to be committed, even to the opposite side of the globe, notwithstanding there are courts established in India which should be *competent* for the trial *of all offences*, except high treason. To crown all, if the party thus banished, or transported to England, be innocently so oppressed, he is by such proceedings first ruined, or at best rendered incapable of prosecuting with effect, and then the law, as it now stands, refers him to the Court of King's Bench for justice against his oppressors.

After all, the Company cannot with truth alledge, that such a power is necessary, or in any shape essential to their exclusive right of trade *to and from India*: nor can they adduce one solid argument in support of

of ſuch a neceſſity on any other pretence whatever. They are deſpotic SOVEREIGNS of the whole country, and in fact *Lords paramount* over the Engliſh laws and courts of juſtice. No inhabitant of their ſettlements can commit any crime to endanger the ſecurity of the Company, but what muſt equally endanger the ſafety of every individual member of the community, they being inſeparably connected together. What reaſon then can be alledged for the neceſſity of this tyrannic power of baniſhing, or tranſporting perſons *unaccuſed judicially, unconfronted, and unheard?* unleſs it be a tacit acknowledgment, that the Company, without it, are incapable of governing the dominions of which, as we have ſeen, they confeſs themſelves SOVEREIGNS? And in ſuch caſe, what ſtronger proof could be given of the neceſſity of the moſt ſpeedy and effectual interference of the Britiſh legiſlature to deſtroy this joint monopoly of power, juſtice and trade, which it can never be wiſe, ſafe, or juſt to ſuffer being ingroſſed by any ſet of men whatever.

Upon the whole, every man will acknowledge, that there ought to be an efficient civil power in the Britiſh ſettlements in India, to prevent or remove injuries and abuſes, to preſerve order and diſcipline; to puniſh every kind of offence, and duly to ſupport the authority of government: all which, it is humbly conceived, might be eaſily and conſiſtently effected, without prejudice to private property, and without infringements on public liberty. But arbitrary ſeizures of men; ſecret inquiſitorial interrogations, under guards, of either offenders or witneſſes; ſequeſtered impriſonments by military force, and ſudden and forcible tranſportations, or baniſhments of men without trial, or legal conviction of any crime, from their families, ſtations, fortunes, or proſpects, and ſometimes with the ſacrifice of all, are powers too deteſtable in their natures to be ſuffered any where to exiſt, and much leſs by any authority pretended to be derived from the Britiſh government.

In England, and other parts of the Britiſh dominions, while ſo great a ſtir has been made about the liberty of the ſubject and the ſecurity of private property, it is amazing that ſo little attention has been paid to the ſituation of Britiſh ſubjects in Bengal, groaning, as they have been, under the intolerable oppreſſion of this enormous and unconſtitutional power. In the mean time, it is principally to this exorbitant power, the exerciſe of which has been greatly encouraged by the Directors in almoſt every general letter to Bengal *, that we muſt attribute the im-

* In their general letters ſince the year 1764, the Directors have been uſed very injudiciouſly to authorize their Governor and Council at Bengal, at their own diſcretion, to withdraw their protection from, or ſeize and ſend to England any perſon or perſons who might be guilty of the ſmalleſt contravention of their orders. An authority that muſt be highly dangerous, becauſe encouraging and even tempting to the abuſe of it.

menſe fortunes which have been of late ſo rapidly ſqueezed from the natives in thoſe parts; and which will continue to bring thoſe provinces nearer and nearer to deſtruction, if effectual meaſures be not ſpeedily taken to prevent ſuch violences; to enable the injured more eaſily to obtain relief, and to inflict exemplary puniſhments on ſuch oppreſſors. If this be not ſpeedily done, neither the Company nor the nation can have a right knowledge of their true intereſts in Indian matters, and poſterity will juſtly remark of this period of the eighteenth century, that it was then ſuppoſed the law of the land, for Britons in India to be *impriſoned, baniſhed, and tranſported by the Engliſh Eaſt India Company, unaccuſed, and unheard in their defence.*

CHAP. XII.

Of the REVENUES of BENGAL and its DEPENDENCIES; AND OF THE METHODS OF COLLECTING THEM.

THE revenues of Bengal and its dependencies ariſe from the rents paid for lands, either according to their meaſurement or according to the produce of them, at certain eſtabliſhed rates, which vary in different parts even of the ſame province, according to its different degrees of fertility. While the empire remained unſhaken, the general eſtabliſhed rate of eſtimation at Dehly, for cultivated ground in Bengal, was three ſicca rupees, or ſeven ſhillings and ſix pence *per bega* of 16,003 ſquare feet, one with another, or about twenty ſhillings per acre. But this was not the rate of collecting the rents in thoſe provinces, where few lands paid according to meaſurement at ſo much *per bega;* but generally a proportion of the crop eſtimated on the ground, and valued at the then market price of ſuch produce. Thus ground producing rice, peaſe, wheat, barley and other grain generally pays one half of the crop, in which mode ſome products make the *bega* very valuable, as the lands in Bengal, from the extraordinary fertility of the ſoil, in moſt places produce two, and in ſome even three crops of grain in the year. Ophium and ſugar-cane, which yield only one crop in the year, and are only produced in particular diſtricts, yield to the land-holder at the rate of from ſeven to as high as fifteen rupees *per bega:* but the moſt valuable product of all is the ſhrub which bears the leaf called by the natives *Paün,* and by the Engliſh Beetle-leaf; which, notwithſtanding the vegetative advantages of the ſoil and climate, requires ſome nicety in

in cultivation, and pays the land-holder as high as thirty-two rupees *per bega.*

The whole of what was collected, was the property of the Emperor, by whom the whole country (excepting such parts as were assigned on temporary grants to the crown pensioners, called Jagueerdárs, and the charity-lands, allotted to religious purposes, by the denomination of Bhurmuttro, and a variety of other hard names, under the general title of Bazy Zeméen, which would require whole pages to explain) was allotted for the purpose of governing, and collecting the revenues thereof, to such persons as he pleased, either as superintendants, farmers of the revenues, or governors, under the different ranks of Râjahs, Subahdárs, Názims, Nabôbs, Zemindárs, &c. who, whatever they might collect, were seldom molested by any officers from the King's Dewân, or Receiver General of the revenues, so long as they regularly accounted for the sums at which their provinces were respectively rated in the King's books, and satisfactorily gratified the Dewân and other great officers of the court.

The Râjahs are Princes descended from the ancient Gentoo Kings; many of whom by the indulgence of the Moguls, who always had the justice or policy to shew particular attention to this race, have had their râjahships hereditarily continued in their families: though the MOGULS of later years have assumed the power of *creating* even GENTOO RAJAHS, as well as ENGLISH OMRAHS. Several Râjahs of the ancient races, however, still hold râjahships among those lands which are now possessed by the English Company. The other renters, called Zemindárs, and the Governors of provinces called by the different names of Subahdárs, Názims, or Nabôbs, (now mostly Mahomedans) that hold lands, are temporary farmers, who usually hold them from year to year, though sometimes for a term of years. These Râjahs, Nabôbs and Zemindárs, for such lands as they held, were taxed upon a general representation of their produce, *ad libitum,* by the Sovereign; who likewise could, when he pleased, resume the whole of the collections, as far as could come to his knowledge; paying or allowing the great land-holders, or superintendants therefrom, such sums as he thought proper for their subsistence, and for the charges of the collections and of their respective governments.

There are another set of lesser renters under the government, called Chówdrys, Talookdárs and Etmaumdárs, who are accountable for their rents to the before-mentioned great land-holders; and both the greater and lesser renters have usually farmed out their lands again, for a net sum, to men of property on the spot, as under-farmers. These last are they who set the lands to the *Ryots,* or poor tenants and manufacturers,

turers; though the great renters do frequently keep the lands in their own hands, and collect immediately from the *Ryots*, at their own charge, by their own officers at the *Cutcherries*, or offices ſo called, eſtabliſhed for that purpoſe in every diſtrict where they are found moſt convenient, and where, in caſes of backwardneſs in payment, the *Ryots* are ſeverely chaſtized.

The *Ryot* holds his lands by a kind of leaſe called a *Pottah*, ſpecifying the ſort, quantity and rate of his land, the rent of which is to be paid at ſtated periods; and theſe *Pottahs* are irrevocable by the ancient eſtabliſhed laws of the empire, ſo long as the tenant juſtly pays up his rents; and even in caſe of failure therein, ſo tender were ancient cuſtoms of the huſbandman's intereſt, that he could not be diſpoſſeſſed of his lands until after a failure in his payments for twelve months.

For the purpoſes of cultivation, it has been likewiſe ever cuſtomary for the Nabôbs to lend the leſſer land-holders, and again for thoſe land-holders or other men of property to advance to the *Ryots* conſiderable ſums of money upon bond, though at a very high rate of intereſt, even ſo high as upwards of forty *per cent. per ann.* to be repaid from the produce of the enſuing crop. The ſums advanced in this way, commonly known in Bengal by the term *Tagâbey*, are employed by the *Ryot* in the charges of cultivation, particularly in buying cattle and ſeed, and in making the neceſſary reſervoirs and drains, which are there very requiſite, and the moſt expenſive preparatives. Without this advance to the poor people, the whole buſineſs of agriculture would be at a ſtand; it is therefore evident, that the encouragement derived by the poorer ſort of people from public protection can be no where môre neceſſary than in the interior parts of Bengal.

Since the ſubverſion of the Mogul empire, the lands of every diſtrict of courſe become the property of each reſpective uſurper, ſo long as by their own power they can maintain poſſeſſion; and ſo long each uſurper deemed himſelf, and in fact was a real ſovereign. Thus, upon the Engliſh Eaſt India Company's aſſuming *the Dewannee*, we find that they alſo, in their turn, declare themſelves to have become the *Sovereigns* * of a rich and potent kingdom; of the revenues of which they likewiſe declare themſelves not only the *Collectors* but *Proprietors*.

* See a LETTER from the SELECT COMMITTEE at CALCUTTA to the Court of EAST INDIA DIRECTORS, dated the 1ſt October 1767, ſigned by *Lord Clive*, *William Brightwell Sumner*, *John Carnac*, *Harry Verelſt* and *Francis Sykes*, Eſquires; AUTHENTIC PAPERS, pages 92 and 103. See alſo the Proceedings of the SELECT COMMITTEE at CALCUTTA, the 18th September 1765, as contained in the following chapter.

When the sovereignty of the Bengal provinces was thus taken by the Company upon themselves, in 1765 Mr. Sykes was appointed, by the President and Select Committee at Calcutta, the Company's Resident at the Durbár †, or *the Nabôb's Court* at the capital of Murshedabâd, to adjust the gross revenues of the provinces, and settle the *claims of Jagueerdárs*, as being a part of that business. This gentleman, single and without any checks, was likewise entrusted with the direction of the *Nabôb* and his officers, superintended the interior collections, and the administration of justice in countries more extensive and more populous than Great Britain; and, as if these were not enough for the single abilities of this gentleman, the wisdom of the Select Committee farther loaded him with the additional charge of the chiefship of the Company's factory at Cossimbazár, where most of their silk and a great part of their other Bengal investments are provided.

The amount of the whole revenues of Bengal and its dependencies, as adjusted by Mr. Sykes in the said year, 1765, was estimated as follows, viz.

† In order farther to understand the business of the revenues, and of the Resident at the Durbár, see N^os XXXVII. XXXVIII. XXXIX. and XL. of the APPENDIX, pages 133 to 145, being copies of four letters from Mr. Sykes to the Select Committee at Calcutta, on his adjustments of the *Dewannee Revenues*.

REVENUES

REVENUES arising from the different DISTRICTS which are made to compose the Country called BENGAL, as fixed with the different Zemindárs, Talookdárs, and Etmaumdárs for the Bengal year 1172, or Christian year 1765, viz.

Gross Revenues - - - - Sicca Rupees -				15,623,455	0	0		
Deduct charges of collection - - - -				1,029,929	7	0		
Sicca Rupees -				14,593,525	9	0		
Sundry duties and fines Net Sicca Rupees	19,138	7	0					
Duties of Chunacolly - - - -	173,610	5	0					
Buxbunder - - -	125,000	0	0					
Azimgunge - - - -	107,060	0	0					
Mint at Murshedabâd - -	30,005	8	0					
				454,814	4	0		
							15,048,339 13	0

REVENUES arising from the different Districts which are made to compose the Country called BAHAR, as fixed with the different Landholders for the year 1766, viz.

Gross Revenues, - Sicca Rupees -	7,499,398	8	0			
Nuzzerânah or acknowledgment paid by the Dutch at Patna - - - -	15,000	0	0			
				7,514,398	8	0

DEDUCTIONS.

Amount of Jagueers, to be paid annually to different persons, as having *Royal Súnnuds* for the same, - - - - -	903,492	13	0

Allowances made to the following Perfons for the Wages of Servants, &c. viz.				
The Nabôb Itraam al Dowlah -	100,000 0 0			
Dirgenarain and Shetabroy, the Company's Collectors at Patna, each at 50,000 -	100,000 0 0			
Expences for fervants and other attendants for the public bufinefs allowed to Dirgenarain and Shetabroy, at 25,000 *per* month - - -	300,000 0 0			
		500,000 0 0		
			1,403,492 13 0	
				6,110,905 11 0
				21,159,245 8 0
Countries ceded to the Company by Cossim Ally Khawn, viz.				
Burdwan, as ftated and fettled by Harry Verelft, Efq; Supervifor -			3,350,000 0 0	
Midnipore - - - - - - - - -			822,088 0 0	
Chittigong - - - - - - - - -			421,241 7 0	
				4,593,329 7 0
Calcutta, Town - - - - -		58,168 0 0		
55 Villages - - - -		29,919 0 0		
		88,087 0 0		
Sea Cuftoms - - -		140,000 0 0		
			228,087 0 0	
24 Pergúnnahs, ceded to the Company by Meer Jaffier, as fettled by Lord Clive and the Secret Committee			847,000 0 0	
				1,075,087 0 0
Net Sicca Rupees - -				26,827,661 15 0

Which

Which sum of Sicca rupees, two crores, sixty-eight lacks, twenty-seven thousand six hundred and sixty-one, and fifteen annas, valuing the Sicca rupee, according to Mr. Sykes, at nearly two shillings and eight pence halfpenny, and making (£. 3,630,676 18 5) the sum of pounds, three millions six hundred and thirty thousand, six hundred and seventy-six pounds sterling, Mr. Sykes subscribed to, and declared it to be his opinion, that the whole would be collected in the year 1766, without oppressing the inhabitants. The Right Honourable Lord Clive likewise gave his opinion upon this statement of the Bengal revenues, in his letter to the Court of Directors, dated Calcutta, the 30th September 1765, in the following words *.

" *Your revenues*, by means of this *new acquisition* (meaning the De-
" wannee) will, as near as I can judge, not fall short, for the ensuing
" year, of 250 lacks of Sicca rupees, including your former posses-
" sions of Burdwân, &c. Hereafter they will at least amount to 20 or
" 30 lacks more. Your civil and military expences in time of peace
" can never exceed 60 lacks of rupees. The Nabôb's allowances are
" already reduced to 42 lacks, and the *tribute to the king* is fixed at
" 26. So that there will be remaining a clear gain to the Company
" of 122 lacks of Sicca rupees, or £. 1,650,900 sterling, which *will de-*
" *fray all the expences of the investments, furnish the whole of the China*
" *treasure, answer the demands of all your other settlements in India, and*
" *leave a considerable balance in your treasury besides.* In time of war,
" when the country may be subject to the incursions of bodies of cavalry,
" we shall, notwithstanding, be able to collect a sufficient sum for our
" civil and military exigencies, and likewise for our investments; be-
" cause a very rich part of the Bengal and Bahár dominions are situat-
" ed to the eastward of the Ganges, where we can never be invaded.
" *What I have given you is a real, not an imaginary state of your revenues,*
" *and you may be assured they will not fall short of my computation.*"

After producing two such good authorities, the reader will certainly admit, that such was the improveable state of the revenues in Bengal in the year 1765.

In the continual fluctuation of the property of the country, under different usurpers, the most simple mode of taxation, under manifold oppressive pretences, has been so increased and varied, and, by the villany of the endless train of accomptants, shroffs, or money-changers, receivers and other officers employed in the collections at the Cutcherries, has in many places become so perplexed, as to render a thorough

* See AUTHENTIC PAPERS, page 26.

knowlege

knowlege of the present revenues a difficult task; and from the present general state of the country, as well as from the particular customs and methods of conducting this business, the harpies employed find it easy to practise every species of extortion and fraud. This is so much the case, that in many places, after the yearly account of a Pergúnnah has been settled at any of the Cutcherries, the detection of its falsity, or the proof of its truth would be a difficult undertaking even to the best accomptant, however well acquainted he might be with the languages and customs of the country.

In fact, every method practised in the business of the collections seems to have been calculated, in every department, to encourage deceit, and screen it from the Sovereign: for the very accounts of the Bengal collections, which are kept in the Bengal language, are, from established custom, kept on small octavo slips of paper, called *Ferds*, and filed on a string; which, if not sharply looked after and regularly abstracted, it is very easy for the Black clerks to take off one Ferd and slip on another, to serve a particular purpose. The English collector can never detect a fraud of this kind, unless he can write and read the * Bengal language, or has, what is very rare, honest Banyáns about him.

The same confusion which has prevailed in the Dehly provinces since the subversion of the empire, has extended to the dominions of every usurping Nabôb. Thus, in particular, from the invasion of Nader Shah downwards, the independent Nabôbs, or Subahdárs of Bengal, have in general paid but little attention to the hereditary rights of the antient Râjahs, or Zemindárs; and since the English East India Company have become the Sovereigns of Bengal, less ceremony has been used with them; many of the lowest class of Banyáns having been put over them, or in their places, as well as in every department of the government.

The revenues, when adjusted at Murshedabâd, are taxations *ad libitum*, and hitherto have depended entirely on the arbitrary will of the English chief, or chiefs; as may be also seen from Mr. Sykes's Letters,

* A very extraordinary instance of the great utility, of this attainment, to the English collectors, came within the writer's knowledge in the year 1766, while Samuel Middleton, Esq; was chief of the Company's factory at Patna, and superintendant of the revenues of the Bahár provinces, under Murshedabâd. The Vakeel of one of the Zemindars presented himself before the chief with some heavy complaints, as from his master, which related to the affairs of his country. In support of his complaint, he pulled a letter out of his turban, and began to read the complaint in the Bengal language very fluently, translating it into Hindostân, for the chief, as he went along. The writer, who understood a little of this language, was looking over his shoulder all the while, and discovered to Mr. Middleton that there was not, in all the letter, a word written of what the Vakeel pretended to read: whereupon his falshood was detected, to his great shame and confusion.

already quoted: and thoſe chiefs ſo beſet with harpies, who, from the higheſt to the loweſt, will be always intereſted in deceiving them and endeavouring to ſap their integrity, can have no guides whom they can depend on but their own judgments and *conſciences*. With Engliſh collectors another ſet of men have been alſo naturally introduced, the Engliſh Sircárs, and Banyáns; who, from the ſuperior influence which they aſſume over the reſt of the Black officers, as being *Dewáns* to the Lords of the country, muſt generally be firſt ſatisfied. Under theſe different ranks of men, the diviſions and ſubdiviſions are innumerable; all of whom, from *the Nabôb* down to the loweſt officer of a village, muſt have a ſhare of what can be ſecreted from the revenues. In this ſituation of affairs it is obvious, that there muſt be innumerable abuſes in the department of the revenues, which will eſcape the Engliſh collector, though a man of the greateſt integrity; of ſome of which abuſes we will briefly take notice in this place.

At the commencement of every year, which in Bengal begins in April, there is an eſtabliſhed feſtival, called the Poonĕā; which is the time appointed for adjuſting the accounts of the revenues with the different land-holders, and confirming or revoking their leaſes, according to their merits, or otherwiſe. At this feaſt the different Râjahs and Zemindárs either appear at Murſhedabâd in perſon, or ſend their Vakeels, to negotiate and ſettle the ſum to be eſtabliſhed for the revenues of their reſpective diſtricts for the enſuing year, as well as to adjuſt the accounts of that expired. On theſe occaſions, whether a Zemindár has been punctual or not in the payment of his rents according to the terms agreed on, the Mutſeddees never want a complaint againſt him, a pretext for raiſing his rents, or a competitor to be oppoſed to him, for the purpoſes of ſecuring his conſent to the payment of a private Nuzzerânah, or preſent demanded; which Nuzzerânah is generally increaſed, by the Zemindár, in proportion as the officers upon whom the generality of the Company's chiefs *muſt* depend for their information, agree to decreaſe the ſum ſtipulated for the next year's revenue: and, in this ſituation, he who agrees to the largeſt ſum of Nuzzeránah is let looſe upon the country for the enſuing year.

This adjuſtment, which in Bengal is emphatically called *the Bundobuſt* (the tying and binding) naturally affords a fine field for the exerciſe of the fertile genius of his race of Aſiatics, inferior to none in intrigues. The Zemindárs, who upon this occaſion generally are in want of large ſums of ready caſh, as well as of ſecurity to be given for the payment of their rents according to agreement, have been uſually neceſſitated to call in the Shroffs, or bankers and money-changers, to their aſſiſtance.

Juggut

Juggut Seat, the head of a Gentoo family of the Weaver tribe or caſt, in the time of the Nabôb Jaffier Khawn, availed himſelf of this circumſtance, which the ſucceeding times of confuſion in the empire enabled him to improve, to the introduction of new cuſtoms at the Durbár, in the department of the revenues, and to the raiſing and enriching of himſelf and his family. From a very inconſiderable origin, he became the moſt eminent banker in Hindoſtân; having his Shops and Gomáſtahs eſtabliſhed for the purpoſes of drawing and remitting in all the principal trading towns of the empire. This buſineſs in India, in times of public ſecurity, which are not likely ſoon to return, was advantageous beyond any thing that is known in Europe, as well from the *per centage* allowed upon the bills called *Hundyveaan*, as on the *Batta*, or exchange of rupees. By his Gomáſtahs he was regularly and well informed of all momentous tranſactions in every part of the empire. This introduced him into the political intrigues of the Durbár at Murſhedabâd, where he and his family, ſome of whom ſtill remain the ſhadows of their father's grandeur, lived with the retinue and magnificence of Princes.

By a juggle with the Nabôbs and officers of the mint and revenues, this great banker introduced a cuſtom very injurious to circulation; which has been ever ſince practiſed, to the detriment of the country; and ſtill continues, to the ſhame of the Engliſh Eaſt India Company. This was the introduction of a *Batta*, or agio upon the rupee called *Sicca*, which is a real coinage of ſtandard ſilver according to the eſtabliſhed laws of the late empire. The current rupee, ſo called by the Engliſh, is, like the pound ſterling, a nominal ſpecie, valued at ſixteen per cent. Batta leſs than Sicca, for the conveniency, in adjuſting accounts, of reducing the innumerable ſorts of different rupees which have been introduced in all parts ſince the ſubverſion of the empire. This Batta was nominally fixed, ſo that the *new-coined Sicca* rupee ſhould circulate twelve months at full Batta, and then fall three per cent. under the denomination of *Hirſuns*, or *Siccas of various years*. At the expiration of the ſecond year, they ſunk again, under another denomination of *Sunotts*, the Batta of which was fixed at two per cent. leſs: ſo that what was *ſixteen per cent.* the *firſt* year, was *thirteen per cent.* the *ſecond*, and *eleven per cent.* the *third*: at which laſt denomination of *Sunotts* they remained, until re-coined into *Siccas*; ſubject nevertheleſs, like all other rupees, to ſuch variations in the Batta, or agio, as the money-dealers could effect, from the plenty or ſcarcity of each particular ſpecies; for it was the Engliſh alone who, in their own ſettlements and in dealings only among themſelves, uſed to adjuſt their accounts by the ſaid eſtabliſhed Batta of 16, 13, and 11 *per cent.* The variety of rupees introduced in different parts of the empire,

empire, is of ſuch ſort, that if a merchant of Murſhedabâd wants to purchaſe goods in any adjacent province, for ready money, it is neceſſary for him firſt to purchaſe of the money-changers in the Bazár, that ſort of rupees which will beſt anſwer, or yield the leaſt loſs in the country where he intends to make his purchaſes; for even the Sicca rupees coined at the different mints at Patna, Murſhedabâd, or Calcutta, when carried out of the province in which they were coined, bear a *Batta*, or paſs with a diſcount. Thus the trade in rupees has long been an extenſive and complicated branch of buſineſs, and the Batta, which is a miſchievous inſtrument in the hands of great exchange and money-dealers, was by the manœuvres of this artful *Shroff*, or banker, at Murſhedabâd, rendered a fund of infinite wealth to the family of the Seats, and remains yet an abuſe uncorrected by the preſent governors of that country.

When the Zemindárs were diſtreſſed for a ſum of ready money, or a bondſman, in order, upon an emergency, to ſecure their farms, Juggut Seat was always ready. He likewiſe obtained the *Shroffing* * of all the revenues; and upon occaſion became anſwerable to the Subahdár, or Nabôb, at the inſtance of the Zemindárs, for ſuch particular payments on account of their rents as they fell ſhort in: for which he was well paid by a high intereſt on the ſums he advanced. By theſe means he acquired an influence at the Durbár little inferior to that of the Nabôb himſelf: as inſtances of which, he was the chief inſtrument in the acquiſitiôn of Lord Clive's famous jagueer; and he amaſſed a fortune, as his countrymen calculate, of ſeven crores of rupees, or near nine millions ſterling. Such were the profits at *the Durbár;* which the reader will be farther enabled to gueſs at from the following relation of the practices which have been introduced and followed there, more or leſs, ever ſince.

Among the arrangements which took place upon Lord Clive's aſſuming *the Dewannee*, a ſon of this Juggut Seat, ſcarce eighteen years old, was appointed the Company's Shroff, and aſſociated with Mahomed Reza Khawn and Doolubram, the perſons mentioned in Mr. Sykes's letters already quoted, as officers on the part of the Company, for conducting the buſineſs of the province and the collection of the revenues. But notwithſtanding all his Lordſhip's *precautions in thoſe appointments*, they did neither put a ſtop to the irregularities which had taken ſo deep root, nor prevent that ſudden acquiſition of fortune which his Lordſhip and the Secret Committee *had ſo very much at heart.*

* *Shroffing*, ſo called by the Engliſh in Bengal, is the examining, ſorting and weighing the various ſorts of rupees, to fix each to its diſtinct ſpecies, diſcard the refuſe, and ſettle the *batta* upon all, according to the price of the day, in order to eſtabliſh the value in ſtandard, or *ſicca rupees*.

When

When the term of the monthly payments agreed on becomes due, if the Zemindár has not his money ready in time, as is ſeldom the caſe, it has been cuſtomary for the officers of the collections, in all parts of the provinces under *the Nabôb*, to charge him with three and one eighth *per cent. per menſem* intereſt upon the ſum, for the time of his default in payment; excluſive of which, a deduction is likewiſe made from the ſum paid in, of from three to eight *per cent.* under the denomination of *ſhroffage* upon the *Cutcha Amdâny*. This *Cutcha Amdâny*, which literally means the *groſs import*, is the payment made by the Zemindár, conſiſting of the many various ſorts of rupees as they come up from the Pergúnnahs, before the Shroffs have *purified* them by their batta, to reduce them to the net ſum of ſtandard ſiccas, for which the Zemindár will have credit in the books of *the Nabôb*'s Cutcherry. Beſides theſe allowances in the Bahár province, when the Zemindár has not been able to pay up in time his ſtated payment, the Engliſh Governor's Dewân has been known, in imitation of the old Juggut Seat, to take upon himſelf the amount of the payment due from the Zemindár, giving a receipt to *the Nabôb*, called a *Paāt*, for the amount, as paid into the Engliſh treaſury there; and on this account the Engliſh Dewân receives from the Zemindár an allowance, called *Paatwāan*, of ten *per cent.* upon the ſum, for the uſe of his credit. In the mean time, if the Dewân is called upon for the money, his influence enables him eaſily to raiſe it among the Shroffs, to anſwer any preſſing demand of the Company. Excluſive of this, it has been alſo cuſtomary in the ſame province to deduct five *per cent.* from the Zemindár's payments, under the head of *Ruſſum, Duſtore*, or *cuſtom*, as a perquiſite for the under Sircárs.

In caſes of ravage, from the incurſions of an enemy, devaſtations from the floods occaſioned by the periodical rains, ſcarcity from the extraordinary drought of the ſeaſon, or of any other public calamity, a proportionate deduction is made from the ſtipulated rents: and this alſo affords a ſpacious field for the exerciſe of Aſiatic ingenuity in bribery and intrigue, from the Nabôb down to the Ryot.

People are alſo frequently ſent by the Engliſh, or *Government-mutſeddees* into the Pergúnnahs, under ſeveral different denominations; ſuch as *Aumeens, Aumils*, &c. to examine accounts, meaſure land, value the crop, or to haſten and forward the collections; who always receive very conſiderable allowances from the Zemindárs, the amount of which is again levied upon the Ryots, or poor tenants in the diſtricts they are ſent to, beſides large ſums which they moſt commonly receive for concealing their diſcoveries. Here it muſt be remarked, that the abovementioned allowances charged upon the monthly payments made by

 the

the Zemindár, for the deficiency of which he must still fill up the sum of his stipulated payment, form the charge of a compound, or aggregate sum, much greater than the same would amount to if charged at once in a fixed sum per annum.

It is likewise the custom of the country, for *the government* to collect a fourth part, called *the Chout*, upon the amount of most judicial decisions in causes of *meum* and *tuum* between individuals at the Cutcherries, but particularly on the amount of bond debts; and this also is, in the present anarchical state of the country, a copious field for the Banyáns and other officers, in which they practise every species of roguery and intrigue.

But the greatest advantage of all, made by the principal officers of the revenue, has been the lending out their money, and not unfrequently the Company's, as their own, upon Tagabey, as already explained, at the rate of 35 and 40 per cent. *per annum*, for which they can securely repay themselves from the first monies coming in on account of the rents. We do not pretend to assert, that any of our English collectors have shared in this variety of perquisites, though that point might have been worthy of the enquiry of the late intended Supervisors; yet we cannot exculpate them, on the charge of employing *the Nabób*, and through him *the Zemindárs*, to take off the cotton of their very extraordinary monopoly of that commodity (treated of in our 14th chapter) as in fact this was neither more nor less than charging the revenues with the profits on the cotton, for the benefit of the owners, and to the ruin of the country and manufactures.

In short, so great, and so notorious have been the advantages to be gathered up *at the Durbár*, that even the Banyáns of junior English servants under the Resident, have thought it worth their while to pay twenty-five *per cent. per annum* for money to satisfy the calls of their masters, rather than lose their posts, while they have lent the money so raised, to their masters at the customary interest of ten *per cent. per ann.* and so great have been the irregularities in the business of the collections, that it has been a customary practice for the Zemindárs to pay twenty-five per cent. on the gross amount of their taxed rents, to particular persons of influence, for the loan of their names to protect them from exactions, or trouble *at the Durbár*, instances of which are within our knowledge. The writer of these sheets has even known a black collector, employed by the English in the Bahár province, of his own authority levy a tax of eight annas (or about fifteen pence) on every village in his province to indemnify himself for a ring which he had lost in the Cutcherry; which though a small tax on each village, yet when collected

collected upon all the villages in the province would amount to a very considerable sum.

In this situation of affairs, it must be obvious to the intelligent reader, that to the old abuses many new ones have been added, from the introduction of a new set of harpies upon the present change of government; as no prudent measures have been yet effectually adopted for the prevention of such abuses in the minutiæ of business. And it must be equally obvious, that the encouragement so necessary for agriculture in Bengal is at present less than ever it has been; for the merchants and other men of property among the natives, for want of due security under this double government, dare not lend money upon *Tagabey*, as before, to the cultivators of the soil; nor dare the latter receive it from any others than the English collectors and Banyâns, which when they do, it is reluctantly; notwithstanding it is highly worthy of the attention of the Governors of the country to encourage the universal lending of *Tagabey*, as the best and perhaps only method practicable for reducing the exorbitant interest upon the poor husbandman.

It must be likewise obvious, that while such is the wretched state of the government in Bengal, the real amount of the revenues of those provinces can never be precisely traced through such an intricate labyrinth of fraud and deceit: nor will it ever be effected till a complete measurement be made of every district, and a just account taken of the land held by every Ryot. And whenever that is done, the lands paying no rents, held under the denominations of jagueers and charity-lands, will cut a most conspicuous figure. Of this the reader may form some notion, when he is informed, that during the Chiefship of Mr. John Johnstone in the province of Burdwân alone, after an odious scrutiny, which employed near seventy persons and lasted near eight months, that gentleman discovered 568,736 begas, making nearly a fifth part of the lands of the whole province, to have been alienated from the revenue, and possessed chiefly, upon fraudulent grants, by priests, superintendents of the revenue, and favourites; under the various titles of *Bazy Zemeen*, or charity-lands.

Under these circumstances, it may with the greatest truth be asserted, that the sum received by the Company's collectors at Murshedabâd, after making all due allowances, has ever fallen greatly short of the amount actually paid by the Ryots, or original cultivators of the country. This, whether we consider the Company as the sovereigns and proprietors of the revenue, as they stile themselves, or as trustees for the public, is a matter worthy of the regard of stock-holders, and of the minutest attention of this nation. But the embezzlement of the revenues of Bengal

 never

never will be effectually prevented, till capital punishments are inflicted upon embezzlers, whomsoever they may be. The blacks, by proper punishments being inflicted on two or three persons legally convicted of such embezzlements, would soon be awed into an honest practice: for the present dishonesty of the timid natives in those matters is perhaps more owing to the frequency of examples in their superiors, and to the total impunity of such crimes in Bengal, than to the villany of even those natives who have been most corrupted in European settlements. Such punishments however as would prevent it, at least in some degree, the Company are not, and perhaps cannot be legally impowered to inflict.

The Company have of late adopted a plan which the writer recommended to them, among other improvements in the year 1767, of stationing their covenanted servants to the superintendency of the collections at every principal Zemindâry, and appointing a board of revenue at Murshedabâd. Although the original springs of the former flourishing revenues in Bengal have been, of late years, so choaked up or destroyed as not easily to be restored; nevertheless by this new regulation, which it is strange was so long neglected, the Company will doubtless make a very considerable saving in the revenues, so far as respects the prevention of frauds and alienations; though much will be still wanting for putting the business of the collections upon a proper footing, and particularly for preventing the young English collector from also becoming the only merchant and supreme judge in the district under his superintendency, which the influence he acquires from such a station puts so easily in his power. It was a mistaken notion among the Directors, that the influence of a young servant, stationed in the interior country, would be inconsiderable, and therefore less pernicious than that of a Counsellor; for wherever a European is established in a public character, by the authority of the Company, whether a Writer, or a Counsellor, he is equally stiled by the natives the *Burra Sâhëb*, the Great Lord, or Governor. And the superior classes among them, even the country Râjahs and Zemindârs, have as yet but a strange conception of the English government; for there have been instances of a Râjah's offering one of his daughters for the seraglio of an English collector, upon the adjustment of his *Bundobust*. Nothing at the same time can shew in a stronger light the great influence of the English, and the abject state of dependence to which the natives are at present reduced, than an instance of this nature, so directly contrary to every tie that is held sacred by Gentoos.

The

The oppressions and monopolies in trade which have been introduced of late years, but particularly within the last seven (as treated of in our XIIIth and XIVth chapters) have been the principal causes of such a decrease in the real revenues of Bengal, as very shortly will be most severely felt by the Company. For the Ryots, who are generally both land-holders and manufacturers, by the oppressions of gomastahs in harrassing them for goods (as instanced in our XIVth chapter) are frequently rendered incapable of improving their lands, and even of paying their rents; for which, on the other hand, they are again chastised by the officers of the revenue, and not unfrequently have by those harpies been necessitated to sell their children in order to pay their rents, or otherwise obliged to fly the country *.

Another obstacle to the improvement of the revenues in Bengal is the want, to both great and little land-holders, of a secure, and permanent possession of the lands; while the chawbuck and the caprice of a Governor are, in fact, almost the only laws for the decision of right. Thus situated, the renter, so far from venturing any part of his own real property in improving of farms which he is liable to be dispossessed of at any time for the benefit of others, does, on the contrary, entirely employ himself in making the most of all temporary advantages while he holds the lands, and cares not in what situation he leaves them to a successor.

Intermediate renters, or dealers, are every where, and in all things, those who make the greatest profits: and the permitting of so many ranks of superintendents and renters seems to have been a material error in the Hindostân policy; because, for the welfare of a state, the growers and consumers of provisions cannot possibly approach too near together.

* Bengal affords a fatal example of the consequences of a country's being once depopulated from oppression, or violence done to the inhabitants; for a tract of 240 miles of sea-coast in the centre of the Company's possessions, from the island of Sundeep to the island Sagor, which was abandoned by the inhabitants, on account of the ravages committed by the Mugg pirates about 145 years ago (and which have been repeated in a less degree in later times) remains to this day a desert, overgrown with wood, has become very unhealthy, and is now known only to its present inhabitants, the tigers and other wild beasts. Those banditti, under the King of Arracan, who by their means had at that time got possession of Chittigong and the island of Sundeep, used to descend upon the Bengal islands in large fleets of armed boats, and make incursions for an hundred miles up the numerous rivers and creeks, which afforded them shelter; plundering and burning the villages, and making slaves of the inhabitants. This large tract, which is extremely fertile, and was also formerly as remarkably populous, is most conveniently situated for trade and navigation, as may be seen upon inspection of our map: nevertheless this important field for improvement, which now only in some places produces a little salt at the risk of the makers lives, has hitherto laid totally neglected by the Company, whose system, as of late conducted, has been by no means calculated to promote the general welfare of the country, or to grant, like good *Sovereigns*, their effectual protection to the inhabitants.

It remains to be seen, from the experience of future years, what salutary regulations the wisdom of Courts of Directors will enforce for the management of this branch, and the general improvement of the Bengal dominions: a concern of the utmost importance to the nation; and which, if properly attended to, we will venture to assert, the revenues of Bengal, as found by Lord Clive and Mr. Sykes in the year 1765, amounting, as by statement before given, to 3,630,676l. might easily, and without oppression to the inhabitants, have been improved by this time to *six millions sterling*; while, by an improper management, they have yearly fallen short of that very statement, and will most probably daily continue to grow worse, till an effectual system of reformation be established.

CHAP. XIII.

On the late MONOPOLY of SALT, BEETLE-NUT and TOBACCO.

WE come now to consider a monopoly the most cruel in its nature, and most destructive, in its consequences, to the Company's affairs in Bengal, of all that have of late been established there. Perhaps it stands unparalleled in the history of any government that ever existed on earth, considered as a public act; and we shall be not less astonished when we consider the men who promoted it, and the reasons given by them for the establishment of such exclusive dealings in what may there be considered as necessaries of life.

When the Right Honourable Robert Lord Clive proposed returning to Bengal, as Governor of the East India Company's settlements, he wrote a * letter to the Court of Directors, containing such sentiments as were best calculated to obtain their concurrence in his appointment, and to shew his own disinterestedness. Among other things, he gave them his opinion, " that it was the encroachments made upon the " *Nabôb's prescriptive rights*, by the Governor and Council, and the " rest of the servants in Bengal trading in the articles of salt, beetle-nut " and tobacco, which had greatly contributed to hasten and bring on " the troubles with the Nabôb Cossim Ally Khawn. That, therefore, as " the trading in salt, beetle-nut and tobacco had been one cause of the

* See the Letter at large in the *Appendix*, N° XLI. page 146, dated Berkeley Square, the 27th April 1764.

" disputes,

"disputes which then had subsisted, his Lordship hoped those articles "would be restored to the Nabôb, and the Company's servants absolutely forbid to trade in them. This would be striking at the root of "the evil, tend to restore that œconomy which was so necessary in "the service of the Company, and serve to prevent the sudden acquisition of fortunes that had of late taken place, and which, if not "put a stop to, the Company's affairs must greatly suffer. And his "Lordship promised, as a means to alleviate in some measure the dissatisfaction that such restrictions upon the commercial advantages of "the Company's servants might occasion in them, *that he would not "engage in any kind of trade himself*, but leave all commercial advantages (the Governor's portion of which used to be always very considerable) to the servants, to be divided amongst themselves."

His Lordship's representations to the Directors, and his management among the proprietors produced the desired effect. He was nominated to the government of Bengal; and a Select Committee, consisting of his Lordship, Mr. William Brightwell Sumner, Brigadier General Carnac, also Messieurs Harry Verelst and Francis Sykes, was appointed, with full powers to pursue whatever means they should judge most proper, to attain the desirable ends of restoring and establishing peace and tranquillity in Bengal. And the orders which the Court of Directors were pleased to give upon the subject of this trade, in the letter to their Presidency at Bengal, which appointed the said Committee, dated the 1st June 1764, were the following.

"You are hereby ordered and directed, as soon after the receipt of "this as may be convenient, to *consult the Nabôb*, as to the manner of "carrying on the inland trade in salt, beetle-nut and tobacco, and the "other articles produced and consumed in the country, which may be "most to his satisfaction and advantage, the interest of the Company, "and likewise of the Company's servants.

"You are, therefore, to form a proper and equitable plan for carrying "on the said trade, and transmit the same to us, accompanied by such explanations, observations and remarks as may enable us to give our "sentiments and directions thereupon in a full and explicit manner.

"In doing this, as before observed, you are to have *a particular regard to the interest and entire satisfaction of the Nabôb*, both with respect to *his revenues* and a proper support of *his government*; in "short, this plan must be settled with *his* FREE *will and consent*, and "in such a manner as not to afford any just grounds of complaint."

The

The great advantage to be made in Bengal from a monopoly of these three articles of salt, beetle-nut and tobacco, was among the first which the manœuvre of the Dewannee, taken notice of in our IVth and VIth chapters, presented to his Lordship and his associate-reformers, and which they did not fail to avail themselves of. The Committee, therefore, soon lost sight of the orders and intentions of the Court of Directors, and, in contradiction to his Lordship's most solemn declarations, an universal public monopoly of those three articles was determined on: the profits of which were to be divided among themselves, and such others of the Company's servants as they thought proper. All the servants, down to a certain rank, were put upon the list without asking their concurrence, or acquainting them with the particulars of the plan, This, considering the monopoly even as a just establishment, was a manifest injury to several of the junior servants, who, from their own knowledge and industry, gained, in a fair way of trade, considerably more than the share allotted them by this system produced. Many wholly disapproved the plan, as far as they were acquainted with it; but it would have been dangerous to have publicly expressed their sentiments. They were made to sign a long indenture, authorizing the Committee of Trade to conduct the business, though they did not know the particulars of the plan. The person who had shewn any backwardness, would not only have been deprived of his private trade, but probably too have been dismissed the service. The proceedings on this occasion of the Select Committee will best shew the mode which was adopted to carry this plan into execution: they were *verbatim* as follows.

" At a Select Committee, held at Fort William, the 10th August 1765.

" PRESENT

" William Brightwell Sumner, Esq; President, and
" Harry Verelst, Esq;

" In conformity to the Honourable Company's orders, contained in " their letter of the 1st June 1764, the Committee now proceed to take " under their consideration the subject of the inland trade in the article " of salt, beetle-nut and tobacco, the same having frequently been dis- " coursed of at former meetings, and Mr. Sumner having lately col- " lected the opinions of the absent members at large on every circum- " stance, it is now agreed and resolved, That the following plan for " conducting this trade shall be carried into execution, the Committee

" esteeming the same *the most correspondent to the Company's orders and* " *conducive to the ends which they have in view*, when they require that " the trade shall be put upon such a footing as may appear most equit- " able for the benefit of their servants, least liable to produce disputes " with *the country government*, and wherein their own interests and *that* " *of the Nabôb* shall at the same time be properly attended to and " considered.

" First, That the whole trade shall be carried on by an exclusive " company formed for that purpose, and consisting of all those who " may be deemed justly intitled to a share. That a proper fund shall " be raised by a loan at interest for the supply and support of the same, " and that it shall commence in the month of September ensuing, or " as soon after as may be found most convenient.

" 2dly, That the salt, beetle-nut and tobacco produced in or *im-* " *ported into* Bengal shall be purchased by this established company, and " public advertisements shall be issued, strictly prohibiting all other " persons whatsoever, who are dependent on our government, to deal " in those articles.

" 3dly, That application shall be made to *the Nabôb to issue the like* " *prohibition to all his officers and subjects* of the districts where any " quantity of either of those articles is manufactured or produced.

" 4thly, That the salt shall be purchased by contract, on the most " reasonable terms, giving the preference to the factories of Dacca, " Chittigong, Burdwân and Midnipore, for the produce of their re- " spective districts, to the Fowzdár of Hoogly and the other Zemindárs " for the produce of Ingelee, Tumlook, Mysadell, &c. and to such " persons as may offer the most reasonable proposal for the quantity " produced in the Calcutta lands.

" 5thly, That the beetle-nut and tobacco shall, in like manner, be " purchased by contract, under such terms and conditions as upon pro- " per enquiry shall appear to the managers to be most conformable to " the interest of the concerned.

" 6thly, That the contractors for the salt shall agree to deliver it at " certain fixed places, at a stipulated rate per one hundred maunds, " comprehending such an advance upon their contracts with the Zemin- " dárs and * Molunguees, as may be esteemed an equivalent to their " risk, trouble and bad debts.

" 7thly, That as the advances will be made by the contractors to the " Zemindárs, &c. at certain periods of the season, in the usual man-

* The poor labouring people at the salt-pans.

" ner,

" ner, so shall the advance from the public company to the contractors
" be made in proportion thereto.

" 8thly, That the salt, beetle-nut and tobacco, thus purchased by " the public company, shall be transported to a certain number of " places for sale, to be there, and there only *disposed of by their agents*; and that the country merchants may then become purchasers, and " again transport those articles whither they think they have the greatest " prospect of profit. That by this means not only the *frequent oppres-* " *sions the inhabitants of the country have suffered, by Europeans having* " *permission to traverse to every place for the sale of those commodities*, " will be put a stop to; but by thus reserving to the natives and mer- " chants a competent share of the profits both in the purchase and sale, " we may hope for the good effect of removing *the general odium that* " *has prevailed from our seeking to deprive them of every part of that* " *trade*.

" 9thly, That as it is apprehended some difficulty will arise in se- " curing the produce of the Dacca and Chittigong districts, by reason " of the property of the lands being scattered in a number of hands, " all dependent *on the government*, it is agreed, that application be " made *to the Nabôb* for perwânahs on the several Zemindárs of those " districts, as well as those of Hoogly, &c. strictly ordering and re- " quiring them to contract for all the salt that can be made on *their* " *lands, with the English alone*, and forbidding the sale to any other " person or persons whatsoever.

" 10thly, That the Honourable Company shall either share in this " trade as proprietors, or receive an annual duty upon it, as may ap- " pear to be most for their interest, when considered with their other " engagements and demands at this presidency.

" 11thly, That the Nabôb shall in like manner be considered as may " be judged most proper, either as a proprietor, or by an annual nuz- " zerânah to be computed upon inspecting a statement of *his duties* on " salt in former years.

" 12thly, That the manner in which the Honourable Company and " the Nabôb shall be considered, being once determined, the remain- " der of this trade shall be divided amongst the Company's servants " arranged under certain classes, and each class to share a certain pro- " portion of the capital stock.

" 13thly, That a committee of trade shall be appointed to receive " the management of this plan and prosecute the same in all its " branches, and that they shall be immediately authorised to take mea- " sures for raising the fund at interest, and to receive proposals and

" settle the contracts; and further, that for their assistance in the work " a person shall be appointed in the quality of their secretary and ac- " comptant.

" The foregoing resolutions the Select Committee judge will be found " a sufficient ground-work for commencing this trade, to be improved " hereafter as circumstances may occur and direct; and it is therefore " agreed, that they be delivered over to the committee of trade as soon " as they are appointed, with instructions to proceed in raising the " money and making the contracts.

" The points contained in the 10th, 11th, and 12th regulations, as " their not being adjusted need be no impediment to the prosecution " of the business, so the committee esteem them of so much importance, " that the settlement of them should be delayed until the absent mem- " bers return to Calcutta, and they can be deliberated on at a full " committee. Agreed, therefore, that the committee of trade be also " advised of this resolution, and that they shall be hereafter informed " of the distribution which may be settled, with any other regulations " which may occur relative thereto for their government.

" Mr. Sumner acquaints the Committee, that being apprised of the " intention contained in the 3d and 9th regulations, he desired Mr. " Sykes, when he lately went up to Murshedabâd, to apply to the Na- " bôb for the necessary perwânahs for authorising and facilitating this " trade, and that he has accordingly received from that gentleman " perwânahs for this purpose, being one hundred and six in number *, " the same he now presents to the Committee, together with several " papers of information which he has collected, regarding the produce " of the different districts, and the conditions that salt can be contracted " for.

" Ordered, That they be delivered over to the committee of trade, " for their guidance.

" Taking now into consideration the appointment of this committee " of trade, the Select Committee are of opinion, that it should be com- " posed of two members of their body and two gentlemen of the Council.

" Agreed therefore, that we *recommend* to the Council to appoint " two of their members to be joined with two of the Committee, to " constitute this board and receive charge of the plan; and at the same " time to appoint a proper person to the office of secretary and ac- " comptant."

* So easy is our Nabôb on such occasions, that we here see 106 grants or orders obtained on a simple application from one of the gentlemen of the committee, before the regulations were adjusted.

Thus far being settled, publications were made in different languages, and posted up in several parts of the town, of one of which the following is a true copy.

ADVERTISEMENT. "The Honourable the Court of Directors having thought proper to send out particular orders for *limiting* the inland trade, in the articles of salt, beetle-nut and tobacco, the same is now to be carried on, *in conformity to those orders*, by a public society of proprietors, to be formed for that purpose; and an exclusive right to the trade of those articles will be vested *in this society, by an authority derived from the Company and from* THE NABÔB; all manner of persons dependent upon the Honourable Company's government are hereby strictly prohibited from dealing in any respect, directly or indirectly, in the articles of salt, beetle-nut or tobacco, from the date hereof; that is to say, that they shall not enter into any new engagements, unless as contractors, either for the purchase or sale of those articles, with the society of trade."

Shortly after, another Select Committee was held upon the subject of this monopoly, of whose proceedings the following is a copy, viz.

"At a SELECT COMMITTEE held at Fort William the 18th September 1765.

"Present,

"The Right Honourable Lord Clive, President.
"William Brightwell Sumner,
"John Carnac,
"Harry Verelst, and
"Francis Sykes, } Esquires.

"Resuming the consideration of the plan for carrying on the inland-trade, in order to determine with respect to the company and the classes of proprietors, the Committee are unanimously of opinion, that whatever surplus-monies the Company may find themselves possessed of, after discharging their several demands at this presidency, the same will be employed more to their benefit and advantage in supplying largely that valuable branch of their commerce, the China trade, and in assisting the wants of their other settlements, and that it will be more for their interest to be considered *as superiors of this trade, and receive a handsome duty upon it, than to be engaged as proprietors in the*

"*stock.*

" *stock.* Bestowing therefore all due attention to the circumstance of
" the Company's being at the same time the head and masters of our
" service, *and now come into the place of the country-government by his*
" *Majesty's royal grant of the dewannee*, it is agreed, that the inland-
" trade of the above articles shall be subject to a duty to the Company,
" after the following rates, which are calculated according to the best
" judgment we can form of the value of the trade in general, and the
" advantage which may be expected to accrue from it to the pro-
" prietors.

" On salt, *thirty-five per cent.* valuing the hundred maunds at the
" rate of *ninety Arcot rupees*, and in consideration hereof the present
" *callary*-duty to be abolished.

" On beetle-nut, *ten per cent.* on the prime cost.

" On tobacco, *twenty-five per cent.* on ditto.

" By this calculation we hope may be produced a clear revenue to
" the Company of at least one hundred thousand pounds sterling *per*
" *annum*; and should it appear, upon further experience of the trade,
" that the profits will admit of an increase in these rates of duties, we
" hereby resolve, that a fair and impartial representation of the same
" shall be made to our Honourable Masters, in order to receive their
" directions; as it is our fixed determination to render them all pos-
" sible satisfaction in this point.

" With respect to the proprietors it is agreed and resolved, that they
" shall be arranged into three classes; that each class shall be entitled
" to so many shares in the stock, and that a certain capital stock shall
" be agreed upon, in order to ascertain the value of each share.

" According to this scheme it is agreed, that class the first shall con-
" sist of the governor, five shares; the second, three shares; the ge-
" neral, three shares; ten gentlemen of the council, each two shares,
" twenty shares: two colonels, each two shares, four shares: in all
" thirty-five shares for the first class.

" That class second shall consist of one chaplain, fourteen junior
" merchants, and three lieutenant-colonels, in all eighteen persons,
" who shall each be entitled to one third of a counsellor's proportion,
" or two thirds of a share, which makes in all twelve shares for the se-
" cond class; we mean always to include in this number such junior
" merchants as the Company have thought proper to fix in their ser-
" vice, who, as well as the factors in the next class that may be re-
" strained from rising as covenanted servants, shall however be entitled
" to their full share of the advantages of this trade.

" That clafs third fhall confift of thirteen factors, four majors, four " firft furgeons at the prefidency, two firft furgeons at the army, one " fecretary to the council, one fub-accomptant, one Perfian tranflator, " and one fub-export warehoufe-keeper; in all twenty-feven perfons, " who fhall each be entitled to one fixth of a counfellor's proportion, or " one third of one fhare, and which makes in all eight * fhares for the " third clafs.

" It is neceffary however to be obferved, that by this arrangement " it is intended, and it is hereby accordingly ordered, that twelve " fhares in this trade fhall be allotted to eighteen perfons, compofed of " the firft fenior and junior merchants, lieutenant-colonels, and chaplain " or chaplains; all exceeding that number in thefe ranks muft ftand " excluded until they can be included in it: and chaplains, be they " more or lefs, to be reckoned only as one fenior or junior merchant. " That eight fhares in this trade fhall in like manner always be allotted " to twenty-four perfons compofed of the fenior factors, majors, fur- " geons, and the three officers above fpecified: all exceeding that " number of thofe ranks are not to fhare till they can be included " in it.

" The Committee have thus fettled the arrangement of the claffes and " the fhares in the ftock, but they leave to the committee of trade to " afcertain the amount of the capital, as they muft be the moft com- " plete judges of what fund will be required.

" That the trade may meet with no interruption, and for the better " regulating the fame, the committee of trade may from time to time " form bye-laws, which having been communicated to, approved and " figned by the body of proprietors, they (the committee) fhall be im- " powered to enforce and carry into execution.

" That the books of the fociety fhall be opened the firft of every Sep- " tember, and clofed the 31ft of the following Auguft. That for the " prefent year all perfons who fhall from this time be deemed proprie- " tors, and whofe names fhall be enrolled by the committee of trade, " agreeable to this fcheme of diftribution, fhall be entitled to their pro- " portion of profits arifing on the trade during the courfe of the year, " whether abfence or death fhould enfue; and fo in all future years, " after the names of the perfons who compofe the claffes fhall have been " regularly enrolled.

* Here the Committee's calculation was erroneous. It was afterwards altered, and this clafs was made to confift of twenty-eight perfons, at one third of a fhare each, making in all nine fhares and one third.

" Refolved,

"Resolved, That no person shall share in a double capacity, and "receive a benefit at the same time from his rank in the service, and "also from such employment as he may happen to enjoy.

"Ordered, That a copy of these proceedings be prepared and laid "before the Council, that they may transmit the same, with their di"rections, to the committee of trade."

The reader will doubtless remark, that among the plausible reasons alledged for the establishment of this monopoly, it was said to be intended as a means to prevent the oppression of the inhabitants of the country; to remove the general odium which had prevailed of the English seeking to deprive them of every part of their trade, and to render all possible satisfaction to the Court of Directors.

Extraordinary as were those effects pretended to be *expected* from such extraordinary measures, we shall not be less astonished at the private reasons which were assigned for this establishment by Lord Clive, in his separate letter upon the subject to the Court of Directors. They are as follow.

Par. 16. "The necessity of rewarding the superior servants, both "civil and military, is obvious, since the large investment required by "the Company makes it impossible for individuals who perform their "duty to acquire any thing considerable by private trade. The means "of regulating this reward have frequently employed my attention, "and after the most mature deliberation I have found none so con"venient, proper, or equitable as the trade in salt. If you grant a "commission upon the revenues the sum will not only be large but "known to the world. The allowance being publicly ascertained, "every man's proportion will at all times be the occasion of much dis"course, envy and jealousy. The Great will interfere in your appoint"ments, and noblemen will perpetually solicit you to provide for the "younger branches of their families. A commission upon your in"vestment, whether upon the provision in Bengal, or the sales in Eu"rope, is liable to the same objections. But if you allow your servants "the liberty of benefiting themselves by the trade in salt, the following "conveniencies will result.

Par. 17. 1mo. "An advance of four hundred thousand or five hun"dred thousand pounds is required for carrying on the trade. If it "be carried on by your servants, the advance and the risk will be "theirs: if it be carried on by you, the money must be advanced out "of the treasury, at your risk, and you will consequently have the "less *specie to send home.*

2 Par.

Par. 18. 2do. "It is very eaſy to proportion it in ſuch a manner that "your ſervants ſhall not gain to a larger amount than they are in juſtice "and equity entitled to.

Par. 19. 3to. "By the bringing it to Calcutta and Dacca, and by the "loſs of boats, by the failure of contractors and many other accidents, "the profits muſt always be precarious and uncertain, and conſe-"quently unknown, except to the few who may take the trouble to "inveſtigate the matter.

Par. 20. 4to. "It will be looked upon as a profit ariſing from trade, and "not from the *pockets of the Company, which might be urged, if rewards* "*were given out of the revenues.* But here *you can aſſert,* that this in-"dulgence, the only equitable one you have to grant, is in conſidera-"tion of the large inveſtments ordered, which, if complied with, muſt "ſwallow up the trade of individuals; and indeed if this indulgence "be properly proportioned, all thoſe ſervants, who by their age and "ſtanding are entitled to emoluments, would have no reaſon to com-"plain, even were they altogether excluded from every article of trade "which can interfere with the Company's inveſtments.

Par. 22. "It is an erroneous opinion, that ſalt was formerly an open "trade, it ever was, *and ever muſt* be a monopoly. Some great favourite*, "or favourites always had the whole in their own hands, for which he "not only paid an annual Peſhcúſh, or acknowledgment in money to "the Sûbah, but likewiſe gave conſiderable preſents both in money and "curioſities to him and to his miniſters. But the natives can have no "juſt cauſe of complaint, provided they be furniſhed with this article "more reaſonably than formerly, which *will certainly be the caſe,* if the "plan ſent home by The Cruttenden be adopted with a few amend-"ments."

And in the †general letter from the Select Committee of Calcutta to the Court of Directors, dated the 30th September 1765, ſigned by the Right Honourable Lord Clive, William Brightwell Sumner, John Carnac, Harry Verelſt, and Francis Sykes, Eſquires, after a more mature conſideration of this buſineſs, they give their ſentiments in the following words.

Par. 32. "By conſulting our proceedings of the 10th Auguſt and "18th September 1765; you will be able to judge of the progreſs we "have made *in carrying your orders into execution* relative to the trade

* In the time of the Nabôb *Allaverdy Khawn,* his favourite, *Cogee Wazeed,* was irregularly allowed to farm the trade in ſalt: but that merchant ſold his ſalt then at *five hundred per cent.* cheaper than it was ſold by this Committee after the eſtabliſhment of the monopoly now under conſideration.

† See AUTHENTIC PAPERS, page 97.

" in salt, beetle-nut and tobacco. This subject we considered with " all the attention possible, and regard to your interest and the good " of the service. *We found, that to remove the inconveniences of a free " trade*, prevent the oppressions daily committed, save this valuable " article of commerce from ruin, and diffuse the benefits resulting, indis- " criminately, among all your servants intitled to dustucks, *it was ne- " cessary to vest the whole in an exclusive Company*."

The Select Committee having formed those regulations for the carrying on of the trade, Mr. Sumner, Mr. Verelst and two other gentlemen of Council were accordingly constituted a *Committee of trade*, for receiving charge of the plan and managing it, on behalf of the body of proprietors; with authority to correspond with the subordinate factories, and to pursue all such measures as might, conformably thereto, appear to them eligible and proper. And the necessary advices and orders were accordingly given to the subordinates, and publications of prohibition were issued throughout the provinces.

The capital stock appointed by the Select Committee to be raised for carrying on this trade, originally was current rupees 2,422,333—5—4, or, at 2s. 6d. per current rupee, 262,420l. sterling; which was divided into $56\frac{1}{3}$ shares of 43,000 current rupees each share, and the profits which might arise were appointed to be proportionably distributed as follows.

	Persons.	Shares each.	Total Shares.		Capital Stock.
To the Right Hon. L. Clive	1	5	5	215,000	
William Brightwell Sumner, Esquire,	1	3	3	129,000	
General Carnac	1	3	3	129,000	
To ten Counsellors and two Colonels	12	2	24	1,032,000	
					1,505,000 0 0
To Chaplain, senior and junior Merchants, and Lieutenant Colonels	18	$\frac{2}{3}$	12		516,000 0 0
To Factors, Majors, and Surgeons	28	$\frac{1}{3}$	$9\frac{1}{3}$		401,333 5 4
Persons	61		$56\frac{1}{3}$	Current rup.	2,422,333 5 4

The farce of using *the Nabób*'s name was thought convenient to be played, as is usual in all dark acts of this double government. The

reader

reader will have perceived, as well in the proceedings of the Committee as in the foregoing English advertisement, that *this Nabôb,* if he must be so called, is introduced as joining with the Committee, and consenting to the ruin of *his subjects,* the poor people of the country, who could not, for that reason, pretend to, or entertain even a hope of redress.

This Nabôb, therefore, was actually made to issue orders to all the Zemindárs, or hereditary land-holders of the country, to attend at Calcutta, and enter into bond, to trade with the Committee only. An order of the Cômmittee *, to the same purpose, went forth at the same time: and the Zemindárs were forced to repair to Calcutta, and enter into bonds accordingly: of which orders and bonds the following are copies.

TRANSLATION, from the Persian, of the Nabôb's order to one of the Zemindárs of the country, dated the   of Saffer, or the   August 1765.

" To the gomástah of Luckynarain, Chowdry of the Pergúnnah of " Jollamootah. BE IT UNDERSTOOD, that a *request has been made by* " *the Governor and the gentlemen of the Committee and Council,* to this " purport, " that until the contracts for salt of the said gentlemen are " settled, no salt shall be made, or got ready in any district; that a " gomástah be sent to attend on the said gentlemen, and having given a " bond, he may then proceed to his business, and make salt; but till the " bond be given to the Governor and the gentlemen of the Committee " and Council, they should make none." THEREFORE, this order is " written, that you send, without delay, your gomástah to the said " gentlemen in Calcutta, and give your bond, and settle your busi- " ness; and then proceed to the making of salt. In case of any delay, " it will not be for your good. Regard this as a strict order."

TRANSLATION, from the Persian, of an order to one of the Zemindárs, under the seal of the Committee.

The Seal of	The English Society of Merchants for buying and selling all the Salt, Beetle-nut and Tobacco in the Provinces of Bengal, Bahár and Orissa, &c.	the Committe.

* See Mr. VANSITTART's Letter to the PROPRIETORS of EAST INDIA STOCK, printed for *J. Newbery,* 1767, page 90.

TRUSTY

"Trusty and well beloved, Annndelal, we greet you well. "Whereas it has been resolved, that whatever salt shall be procurable "in the salt works of the Subahship of Bengal, &c. the trade thereof "shall be referred to the English Sircar*, and shall not be meddled "with by others; to which pupose a Perwânah from his Excellency, the "Nabôb, has issued.

"Therefore this order is written, that the moment it reaches your "hands you are to send a Vakeel and a trusty Gomástah, that he may "come here and receive *the Nabôb's Perwânah*, and act in obedience "to the same, and settle the trade of your salt with the governor and "the gentlemen."

Translation of one of the Mutchulcahs, or obligatory bonds, taken from the Zemindárs.

"I Jadooram, Chowdry of the Pergúnnah of Deroodumma, in the "district of Ingellee, agreeably to an order which has issued from the "Nabôb to this purpose, "That I should attend upon the Gentlemen of "the Committee and Council, in order to settle my trade in salt, and "that I should not deal with any other person;" do accordingly oblige "myself, and give this writing, that, excepting the said gentlemen "called *The English Society of Merchants for buying and selling all the "salt, beetle-nut and tobacco in the provinces of Bengal, Bahár and "Orissa*, &c. I will on no account trade with any other person for "the salt to be made in the year 1173 (Bengal stile); and without their "order I will not otherwise make away with, or dispose of a single grain "of salt; but whatever salt shall be made within the dependencies of "my Zemindâry, I will faithfully deliver it all, without delay, to the said "society, and I will receive the money according to the agreement "which I shall make in writing; and I will deliver the whole and entire "quantity of the salt produced, and, without the leave of the said Com-"mittee, I will not carry to any other place, nor sell to any other per-"son a single measure of salt. If such a thing should be proved against "me, I will pay to the Sircár of the said society a penalty of *five rupees "for every maund*. In witness whereof I have written this, by way "of obligation. Dated the September 1765."

Orders of this kind were issued to all the Râjahs and Zemindárs of the Pergúnnahs where salt was to be had; by virtue of which the produce of the whole country was engrossed by the Committee, who paid

* State, or government. Here it means the Company.

at the rate of 75 *rupees per* 100 *maunds*, for what was sold in many places for upwards of 500 *rupees per* 100 *maunds*; which in effect was making a poor inhabitant pay at the rate of 6⅔ rupees for a quantity of salt which, in the common course of the trade, he would have bought for one rupee.

The extraordinary shares of the profits of this public monopoly to which the Select Committee-gentlemen helped themselves, were not the only advantages they reaped from it. From the regulations which they, in their Select Committee, had previously agreed upon, they were first apprized of the sudden effects which those regulations could not fail of producing, in raising the price of salt all over the country. They, therefore, availed themselves of this fore-knowledge, and established a private society, among themselves, for buying up as much as they could of the ready-made salt, which lay dispersed in different parts. Mr. Verelst, who conducted this separate concern, and was one of their Committee, under the cloke usually assumed on such extraordinary occasions, of its being *for the benefit of the Company's affairs*, was (at his own recommendation) appointed to a new and unprecedented employment, that of * Supervisor of the provinces of Burdwân and Midnipore, where great quantities of salt are produced. This gave Mr. Verelst an opportunity of associating himself with the junior servants under him at Burdwân, in a contract for delivering to the Committee all the salt produced in that province, which he accordingly did; as may be seen in the copy of an indenture executed with the Committee upon this occasion, in our *Appendix*, N° XLII. page 151.

The concerned in the said private society, which was very extensive in its operations, were the Right Honourable Lord Clive, William Brightwell Sumner, General John Carnac, Harry Verelst and Francis Sykes, Esquires, as will appear, on examining N° XLIII. of our *Appendix*, page 158, which is a copy of an original indenture of assignment, executed by his Lordship, upon selling out his own shares in the public and private societies.

No means were neglected, by the gentlemen concerned in this private society, to engross the whole of the ready-made salt in the country; and such methods were sometimes taken by their agents, or gomástahs, as necessitated the owners to part with what salt they had on hand for whatever their agents were pleased to offer. And though, as we have shewn in the XIVth chapter, the interest of the country and Company were alledged on other occasions to be greatly injured by permitting

* See AUTHENTIC PAPERS concerning INDIA AFFAIRS, pages 89. 170. 187, &c.

European

European agents to reside in the inland parts of the country, nevertheless, upon the present occasion, those pretended inconveniencies were overlooked; and, in consequence of an application from the Committee of Trade to the Select Committee, several gentlemen were appointed and stationed at the following different places, as agents for the sales of the Committee's salt, beetle-nut and tobacco; viz..

Messieurs Charles Bloomer,	- - - at	Dinagepore,
Pitt Lethieulier,	- - - -	Durbunga,
Hugh Baillie,	- - - - - -	Gualparah,
Thomas Lewis,	- - - -	Rungpore,
William Bensley,	- - -	Carangolah,
John Robinson,	- - - - -	Nabobgunge,
James Hargrave,	- - - -	Chilmary,
John Corsar,	- - - - -	Silhettand Patna,
William Semple,	- - - - -	Rajabarry,
Abraham Leslie,	- - - -	besides others,

who were sent to Backergunge and Nabobgunge to build boats.

The gentlemen concerned in the private society did not fail to avail themselves of the services of these agents of the public monopoly, for the disposal of their private salt. In consequence of an application for that purpose from the partners in the Committee of Trade below, to the partners in the Select Committee above, licence was easily obtained, as may be seen by the following short proceedings upon the occasion.

" At a Select Committee, held the 9th January 1766;

" Present, The Right Honourable Lord Clive, President;
" William Brightwell Sumner, Esq; and
" Brigadier General Carnac.

" Received a letter from the Committee of Trade, requesting leave " for their agents to dispose of the balances of salt belonging to *private* " *merchants*, now on hand, which they imagine will conduce to the " interest of the society.

" Agreed, we acquaint the Committee of Trade, that we grant their " request, *in consideration they think it will be a public benefit.*"

The estimate of the profits arising upon the first year's trade of this public monopoly, which among other India papers was laid before the Honourable House of Commons, in the year 1768, was greatly underrated.

rated. The real net profits on the first year's stock which have been actually received by the concerned, down to the month of December 1770, exclusive of their shares of large out-standing debts still coming in, have been nearly as follow; viz.

	Persons.	Shares each.	Total Shares.		Net profit of the first year's capital.
The Rt. Hon. Rob. L: Clive	1	5	5	£. sterling	21,179 4 0
W. Brightw. Sumner, Esq;	1	3	3		12,707 10 0
General Carnac	1	3	3		12,707 10 0
Ten Counsellors and two Colonels	12	2	24		101,660 4 0
Chaplain, senior and junior Merchants, and Lieutenant Colonels	18	$\frac{2}{3}$	12		50,830 2 0
Factors, Majors & Doctors	28	$\frac{1}{3}$	$9\frac{1}{3}$		39,534 10 0
Persons	61		$56\frac{1}{3}$	£. sterling	238,619 0 0

The Court of East India Directors repeatedly, and in the strongest terms, forbade this monopoly in salt, beetle-nut and tobacco; and particularly in their General Letter to Bengal per the Lord Camden, dated the 19th February 1766, wherein they positively directed their Governor and Council to make a formal renunciation, by some solemn act to be entered on their records, of all right to trade in those articles; directing their said Presidency to transmit such renunciation in form *to the Nabôb*, in the Persian language, with adding these express words: "*Whatever government may be established, or whateven unforeseen occur-*" *rences may arise, it is our resolution to prohibit, and we do absolutely*" *forbid this trade in salt, beetle-nut and tobacco.*"

In all their subsequent letters they continued to repeat this prohibition, giving as their sentiments, that "such innovations and illegal" traffic had laid the foundation of all the bloodshed, massacres and" confusion which had happened in Bengal."

Upon receipt of these repeated orders from England, the Right Honourable President and the Gentlemen of the Select Committee took them again into their serious consideration. However, they did not proceed to abolish the monopoly, but determined upon continuing it for another year; *wisely* increasing the duties to be received upon the trade by the Company to such an amount as might either secure their consent and approbation of the system from the magnitude of the sum, or their connivance at it, so far as to prevent retrospects, from the

difficulties of refunding, and of being themselves so deeply involved in the plan.

As the reasons which were given for this continuation of the monopoly are no less curious than those which were given for its original establishment, and will best speak for themselves to the intelligent reader, we shall give them at large from the original proceedings.

"At a Select Committee, held the 3d September 1766.

"Present, The Right Honourable Lord Clive, President;
"Brigadier General Carnac, and
"Harry Verelst, Esquire.

After mentioning, that the Court of Directors had recommended to his Lordship, to consider of a plan for settling the salt trade, his Lordship proceeds in his minute as follows. "By all their letters "of last year, and by several of this, the Directors still seemed inclined "to wait for our representation, but by their letter of the 19th February last, by the Lord Camden, they positively forbid their servants "to have any concern whatsoever in this trade. At that time indeed "they could not have had the least idea of *the favourable change in the* "*affairs of these provinces, whereby the interest of the Nabôb with regard* "*to salt is no longer immediately concerned.* When we first took this "important matter into consideration, I joined in opinion with the rest "of the Committee, *that if the trade could be put upon such a footing,* "*that the Nabôb should receive more than had been received by any of his* "*predecessors, the Company be amply considered, the natives become pur-*"*chasers upon terms full as reasonable as in former times; the servants* "*might be indulged in the privilege, under such certain rules and restric-*"*tions as would make the trade carry with it as little as possible the* "*odious form of a monopoly.* These points having been settled, I con-"sented to the plan laid down last year; my absence from the Presi-"dency, the multiplicity of affairs then in agitation, wherein the peace "and tranquillity of the provinces, the interest of the Company, and "the honour of the nation were more immediately concerned, pre-"vented my paying that attention I could have wished to that impor-"tant object. *Although by the acquisition of the Dewannee, the whole* "*of the duties belong to the Company,* and by the diligence and zeal of "the Members of the Committee of Trade, many useful reformations "had taken place, yet from my observations, when I was last up the "country, and from the heavy complaints *against Europeans for the*

"*monopoly*

" *monopoly of trade in general*, I find that the industrious native is still
" deprived of that share to which he has an undoubted and more na-
" tural right; nor is it yet upon that equitable footing which *justice* as
" well as *humanity* would incline *this Committee* to establish. A few
" weeks more must bring us the final resolution of the Court of Direc-
" tors, in answer to our dispatches by the Admiral Stevens, and if,
" notwithstanding the present situation of their affairs, they should
" think proper to repeat their orders per Lord Camden, it will be our
" duty to obey them, and I am persuaded they will be obeyed by this
" Committee: but if, on the contrary, upon receipt of our representa-
" tions, they should change their sentiments, and approve of the regu-
" lations we have already made, no time should be lost on our part in
" establishing the mode for carrying on the trade in future. *The con-*
" *fidence which the Directors have been pleased particularly to express in*
" *my endeavours to settle, upon an equitable plan, that trade which has*
" *been the source of so many evils*, cannot but promote my zeal for the
" cause, and make me anxiously wish to see every regulation that you
" may join with me in thinking necessary to take place.

" The Company's duties I beg leave to propose shall be *increased*;
" the servants still receive a reasonable share of emolument, and the
" terms upon which the natives are finally to be concerned, advan-
" tageously fixed.

" 1st. That all salt provided by the Society of Trade shall be sold at
" Calcutta, and at other places where it is made, and no where else.

" 2d. That the price of salt shall not exceed two rupees per maund,
" or 200 for 100 maunds.

" 3d. That the salt shall be sold to the natives only, who are to
" transport it to every part of Bengal, Bahár and Orissa, and to have
" the whole profits arising from the sale thereof, and that no Company's
" servant, free merchant, or European shall be concerned in that article
" directly, nor indirectly.

" 4th. That the Calcutta and black merchants shall be limited to a
" certain proportion of purchase, but that no *Banyáns, or servants* what-
" ever belonging to any European, shall be included or have any con-
" cern therein.

" 5th. That every endeavour be made use of to encourage the sub-
" stantial merchant either to come down in person to the place where
" the salt is provided, or to send their agents, in order to purchase or
" transport their salt to the different places of sale.

" 6th.

"6th. That a certain price be fixed for the sale of every maund of "salt at every town, market, or village, where the salt is sold, according to the distance and former custom.

"7th. That if salt be sold at any of the Bazárs or markets for *one* "*cowry* above the stipulated price, the vender shall not only forfeit all "the salt there found in his possession, but be liable to a forfeit of "*one thousand rupees for every hundred maunds of salt* so sold; and the "money so forfeited shall go, one half to the informer and one half "to *the government*.

"8th. *That the ministers at Murshedabâd and Patna have copies sent* "*them of these new regulations, and that they be desired to apply to the* "*Nabôb to make the same known throughout* the three provinces; and "that *every Fowzdár, &c. see that they be put in execution, upon pain* "*of being dismissed from their employments*.

"9th. This business being entirely commercial, I propose that in the "instrument of agreement for next year it shall be provided, that the "Society of Trade be answerable to the Board for their conduct; that "the Board may either make new regulations, or amend those made "by the Society of Trade, as they see fit, and that, in case of necessity, "the Select Committee shall have power to controul the whole.

"10th. That a duty of 50 per cent. be paid *to the Company* upon all "the salt provided on their own lands, and 50 per cent. *to the govern-* "*ment* upon all the salt provided upon the lands of the government, "and 15 per cent. upon beetle: *which duties will in fact be brought to* "*the Company's credit*, which, according to the present state of the salt "trade will produce the Company from 12 to 13 lacks of rupees *per* "*annum*.

"The prohibition of a free inland trade, however disagreeable to "individuals, must now take place, and be confined *to imports and* "*exports, and their immediate returns*, which returns shall be made "only to the presidency, or to one or other of the established factories. "*The Company are Sovereigns in India*: and they have declared, that "the trade carried on for these four years past is an usurpation, not "only of *their prerogative*, but of the privileges of the natives, and "repugnant to the express and repeated orders of the Court of Di- "rectors. The indulgence however in the trade of salt upon the footing "I hope it will now be established, should, in my opinion, obviate all "complaints; since it seems to be the most equitable MODUS between "the Company and their servants, and at the same time *a distribution* "*of natural right* to the people of the country. Considering that the

"late

" late great advantages of unlimited trade are cut off, I cannot imagine the Court of Directors will deny their servants this share of benefit, as a recompence for their care and assistance in the management of the important concerns of these provinces. On the other hand, I would have the servants look upon these emoluments as a gift from the hands of their employers, offered to them annually in reward of their fidelity; and which will certainly be with-held from them, *if ever their authority should be resisted, and discontent and rapacity take place of gratitude and moderation.*"

" His Lordship's minute being read and maturely considered, the regulations therein specified are *unanimously approved.*"

The capital stock for the second year was divided into sixty shares, and amounted to current rupees 2,400,000, or, at 2s. 6d. per rupee, 260,000 pounds sterling. And the profits which have actually accrued upon this second year's capital, and been received by the proprietors upon their respective shares, down to the month of December 1770, exclusive of balances still outstanding, are as follow, viz.

On the Right. Hon. Lord Clive's -	5	Shares -	L.	16,656	5	0
William Brightwell Sumner, Esq; his	3	- - - -		9,993	15	0
Brigadier General Carnac's - -	3	- - - - -		9,993	15	0
The rest of the servants - - -	49	- - -		163,231	5	0
	60		L.	199,875	0	0

The reader will doubtless have observed in the former part of this chapter, that an authority for establishing this monopoly was pretended to have been received from *the Nabôb*, and that *his interest*, or that of *the country government* was to be properly attended to, particularly as expressed in the proceedings of the 10th August 1765, by considering *him* either as *a proprietor*, or by an annual *present*, to be computed upon inspecting a statement of *his duties* on salt in former years. Notwithstanding which, in the 8th and 10th articles agreed to in the Select Committee of the 3d September 1766, we find *the Nabôb's officers*, throughout the three provinces, were to be dismissed from their employments, in case they did not carry into execution the regulations *resolved on by the Committee:* and we are told, that the duties established upon this trade in the Nabôb's name would, in fact, be brought to the credit of the Company, as being *the Sovereigns in India.* Contradictions of this nature will be frequently observed in the course of these

sheets,

sheets, as well in the proceedings of the Directors, as in those of their servants abroad, since the farce of their double government commenced: for it is a difficult thing consistently to support a falsity, or fiction, through a variety of circumstances at different and distant periods of time.

Many and various were the oppressions exercised in the conducting of both the public and private monopolies, of which we are now treating: to enumerate them would be a disagreeable and tedious, if not an endless task; nevertheless, in support of the truth of this assertion, we will briefly mention a few circumstances.

In the 6th and 7th articles of the regulations established by the Select Committee, in their proceedings of the 3d September 1766, it is ordained, that the salt of the second year's monopoly should be sold at certain prices, to be fixed at every town or village, and that if any of the persons who were purchasers of the Committee's salt, should sell any at those markets for *one cowry* above the stipulated price, the vender should not only forfeit *all the salt found in his possession* there, but be liable to a forfeit of one thousand rupees for every hundred maunds of salt so sold; and the salt and money so forfeited should go, one half to the informer, and one half *to the government*.

In consequence of this regulation, many merchants were fined in a very arbitrary manner, particularly some of the principal black merchants of Calcutta, as Sooberambysack, Moddundutt and others, who had purchased of the Committee-salt to a very large amount, and were accused of having sold at above the prescribed price. The Select Committee, in the summary way adopted by themselves, without any judicial form, or process whatever, collected among these merchants to the amount of some thousands of pounds *, which were said to have been appropriated in as arbitrary a manner to the erecting of the Court-house, a public building in Calcutta.

Upon the establishment of the private copartnership, or society, of the gentlemen of the Committee among themselves, there was an Armenian merchant, named Parseek Arratoon, who had about 20,000 maunds of salt lying in warehouses, upon the borders of the Rungpore and Dinagepore provinces. The Armenian, sensible, as well as the gentlemen of the Committee, that the price of salt would rise, ordered his gomastah to fasten up his warehouses, and not to sell. As the retailing of this salt in those parts might hurt the partnership's sales, it was thought expedient at any rate, if possible, to get possession of it. Upon

* One of them told the writer, that 40,000 rupees had been levied on this occasion.

failure of the artifices which were practiſed to induce the gomáſtah to ſell it, the Armenian merchant's warehouſes were broke open, the ſalt forcibly taken out and weighed off, and a ſum of money eſtimated to be the price of it, was forced upon the Armenian's gomáſtah, on his refuſing to receive it. Such are the facts ſworn to in the depoſitions of ſeveral witneſſes, upon an action, or bill of complaint filed in the Mayor's Court of Calcutta, the 15th September 1767, by Parſeek Arratoon, plaintiff, againſt the gomáſtahs, or agents of Meſſ. Vereſt and Sykes, for current rupees 60,432. And if the proceedings of the Mayor's Court have been tranſmitted home with the ſame punctual regularity as formerly, there muſt be ſufficient proof of theſe facts among the records now in Leaden-hall-ſtreet.

Having laid before the reader an account of what have been the actual and realiſed profits of the two years trade of this grand monopoly, we will now endeavour to ſhew, at one view, the amount of what the natives may be juſtly ſaid to have been fleeced of in that ſpace of time, nothwithſtanding the pious profeſſions of the Select Committee, *that they ſhould be ſupplied as reaſonably as before.*

The amount of the capital ſtock employed the firſt year, is C. R^s 2,422,333 5 4 or, at 2s. 2d. per C. R. £. ſterling		262,420 0 0	
Ditto, C. R^s 2,400,000 at Do. 2d year -		260,000 0 0	
			522,420
Profit, viz.			
On the Rt. Hon. Lord Clive's 5 ſhares, the firſt year -	21,179 4 0		
Ditto, 2d year - - - -	16,656 5 0		
		37,835 9 0	
On William Brightwell Sumner, Eſquire, his 3 ſhares, the firſt year - -	12,707 10 0		
Ditto, 2d year - -	9,993 15 0		
		22,701 5 0	
On General Carnac's 3 ſhares, the firſt year - -	12,707 10 0		
Ditto, 2d year - -	9,993 15 0		
		22,701 5 0	
Carried forward,		83,237 19 0	522,420

On

Brought over		83,237 19 0	522,420
On the reſt of the Company's ſervants, $45\frac{1}{3}$ ſhares, the firſt year - -	192,024 16 0		
Ditto, 49 ſhares, 2d year	163,231 5 0		
		355,256 1 0	
			438,494
Total of the firſt coſt and profit for two years - -			960,914
Extraordinary duties paid in two years to the *Nabób*, the *country government*, or the *Engliſh Company*, whichſoever the reader pleaſes to call it, 26 lacks, at 2s. 2d. per current rupee - - - - - - - -			281,666
Extraordinary charges beyond the common courſe of the trade, to which the Committee was expoſed from the employment of European agents and other cauſes, eſtimated at leaſt at 6 lacks, or - - - - -			65,000
Outſtanding debts on the two years trade, which have been or will be recovered by the influence of the *country government*, eſtimated, to the time of the above calculation of profits, at 10 lacks, or - - - - -			108,333
Total received from the natives - - - - -			1,415,913

Deduct,

Firſt coſt of thoſe commodities for two years	£. 522,420	
Allowance for what the profits would have been in the uſual and fair way of trade, as practiſed when the monopoly took place, at 30 per cent. - - - - - - -	156,726	
Duties which might have been collected in the uſual manner on this trade, in the ſtate it then was, for two years: we will make a large allowance in the ſum of - -	50,000	
To this muſt be added what was ſeparately gained by the under-monopolizers; who, agreeably to the regulations, purchaſed ſalt, &c. in the groſs from the Committee, being chiefly Banyáns of the gentlemen		
Carried forward	729,146	1,415,913

 them-

Brought over	729,146	1,415,913
themselves, and who transported it to and retailed it in the inland country. The net profits under this head may be justly estimated, upon salt and beetle-nut, at least at 12 lacks, or - - - - -	130,000	
		859,146
Arising on the public monopoly - - -		556,767

To which must be added the concerns of the separate private society, among the gentlemen of the Select Committee, already mentioned, as far only as has come to public knowlege, viz.

One concern, as taken notice of in the Right Honourable Lord Clive's assignment, N° XLIII. in our *Appendix*, page 158, - - of 497,001 Maunds,
And of one other, - - 40,000

Maunds, 537,001. Upon which we may safely allow the gentlemen to have gained, at the lowest estimation, a clear profit of two current rupees per maund, making 1,074,002 rupees, at 2s. 2d. - 116,350

£. 673,117

By this estimate, which we hope will be allowed very just by all persons acquainted with the branch of which we treat, it appears, that upon the trade of two years there has been to the amount of six hundred and seventy-three thousand one hundred and seventeen pounds sterling collected for the benefit of about sixty persons, from the natives in general, upon this single monopoly of what are considered there to be all necessaries of life (and the most material one is actually such in all countries) more than they would have paid for the same, had the trade continued open and free to all who paid the established duties.

In a country where the nature of commerce is so well understood, it must be needless to swell this chapter, already too long, with such inferences, drawn from the facts here laid before the public, as must appear obvious

obvious to every one at the first view. Every merchant will agree with us in one general conclusion, that such a monopoly must have been in the highest degree injurious to the population and manufactures of the country; and we will venture to assert, that, above all others, it has principally contributed to that decrease of trade, and the distress under which Bengal has laboured ever since the establishment of this monopoly.

We had almost forgot, before we dismissed this head of our subject, to put the reader in possession of a key for the understanding of such parts of the proceedings of the committees herein taken notice of, as were calculated to evade the carrying into execution of the orders of the East India Directors respecting this trade.

Soon after the establishment of the monopoly, the Right Honourable Lord Clive and the gentlemen of the Committees and Council (apprehensive that they should not receive the approbation of the Directors of the Company for this establishment) entered into an indenture, or bond of indemnity to each other, by which they engaged, under a considerable penalty, That "provided any order or direction should issue or "be made by the said Court of Directors in England, thereby ordering "and directing the said exclusive joint trade and merchandize to be "dissolved or put to an end, or that might hinder and stop the carrying "on the same, or contain any thing contrary to their regulations, they, "the said Right Honourable Lord Clive, &c. members of the Com- "mittees and Council, should and would, notwithstanding any such "order or direction, keep up, continue and enforce, or cause to be "kept up, continued and enforced, the said exclusive joint trade and "merchandize," as the reader will see at large, by a copy of the said original indenture or deed of indemnity given in our *Appendix*, N° XLIV. page 161.

CHAP.

CHAP. XIV.

ON the GENERAL MODERN TRADE of the ENGLISH in BENGAL; on the OPPRESSIONS and MONOPOLIES which have been the CAUSES of the DECLINE of TRADE, the DECREASE of the REVENUES, and the present RUINOUS CONDITION of AFFAIRS in BENGAL.

WITHOUT the reader has confidered and bears in his mind the ftate of Hindoftân, fince the fubverfion of the empire, the dependency on the Englifh Company of the prince whom they call *The Grand Mogul*, the condition of their collectors, whom they call *The Nabobs* of Bengal, the fituation of individuals, and the ftate of juftice in thofe dominions, as fet forth, particularly in our third, fourth, fifth, fixth, ninth and tenth chapters, he will be fcarce able to conceive a poffibility of the exiftence of fuch cruel oppreffions and ruinous meafures as have taken place in the Bengal provinces of late years, but particularly, fince " *the Englifh Eaft India Company are become the Sovereigns of a rich and potent kingdom, and their government in Bengal a military as well as civil government* *."

Having alfo, towards the end of our eighth chapter, faid fomething on the nature of the prefent trade of the Englifh Company, and of the difference between that and the trade of individuals and other nations in Bengal, we muft beg leave to refer the reader thereto, that we may avoid troubling him with repetitions in this place.

When the Grand Mogul, Furrukhfeer, granted his firmaun for exempting the Englifh from the payment of all duties, their trade was very infignificant, as well as their legal poffeffions of lands, which, as we have feen, were by the firmaun circumfcribed within *forty begas*, or about *fifteen acres* round every factory. At that time, and alfo for many years afterwards, even down to the year 1753, it was the cuftom for the Company in Bengal generally to provide their goods upon contracts with the merchants of the country, who received a part of the money in advance, which were called *dadney-advances*. Thefe merchants, who were known by the appellation of *dadney-merchants*, contracted under penalties, to deliver the goods, at ftated times and prices,

* See a LETTER from LORD CLIVE and the SELECT COMMITTEE to the COURT of DIRECTORS, and the POSTSCRIPT to the LETTER of Meff. LEYCESTER and GRAY. AUTHENTIC PAPERS, pages 92, and 195, &c.

at the Company's principal settlement, and were of course amenable to the laws of the country when they or their agents were guilty of any irregular practices. In that situation, the detriment accruing to the government, from the great partiality shewn to the English in preference to the Mogul's subjects, was, as hath been shewn in another place, comparatively inconsiderable: but the Mogul certainly had no conception of the height to which that trade would be carried, on which he had granted so unlimited an exemption from duties.

The preference granted to the English, gave them great advantages when they came to deal with the weavers in the inland country, where the factors and gomástahs employed by the Company, on this change in the mode of providing their investment, were in general treated with great respect. This influence increased with the power of the English Company; so that after the defeat of Serajah al Dowlah, in 1756, that Nabôb was made to engage, "that he or his officers should, on no "account interfere with the gomástahs of the English; but that care "should be taken that their business might not be obstructed in any "way." And these gomástahs so well availed themselves of this new acquired power, that after the Company, by their substitutes, had made their first Nabôb, Jaffier Ally Khawn, in the year 1757, their black gomástahs in every district assumed a jurisdiction which even the authority of the Râjahs and Zemindárs in the country durst not withstand. Instances of this influence, so detrimental to the country, are to be met with in every page of Mr. Vansittart's Narrative.

In this situation of things, as the trade of the Company increased, and with it the inland trade of individuals also in a much greater proportion, those evils, which at first were scarcely felt, became at last universal throughout the Bengal provinces: and it may with truth be now said, that the whole inland trade of the country, as at present conducted, and that of the Company's investment for Europe in a more peculiar degree, has been one continued scene of oppression: the baneful effects of which are severely felt by every weaver and manufacturer in the country, every article produced being made a monopoly; in which the English, with their Banyáns and black gomástahs, arbitrarily decide what quantities of goods each manufacturer shall deliver, and the *prices* he shall receive for them.

To increase the amount of the Company's investment of goods for Europe, beyond what was sent by his predecessor, has been the constant endeavour of every succeeding Governor of Bengal, in order to acquire reputation with the Company. To obtain this increase great strictness has been used with, and great hardships have been exercised

on

on the manufacturers, who are in general now monopolized by the English Company and their servants, as so many slaves; which has occasioned frequent complaints from the agents of the French and Dutch Companies, and those proposals for a participation of the weavers, of which we have taken notice at the conclusion of our eighth chapter. The severities practised towards these poor people, who are generally both manufacturers and husbandmen, are scarcely to be described; for it frequently happens, as we have observed in another place, that while the officers of the collections are distressing them one way for their established rents, the peons from the Company's gomáſtahs, on the other hand, are pressing them for their goods in such manner, as to put it out of their power to pay their rents. However excusable the oppressing of manufacturers might have appeared in the Company, as merchants, while the country belonged to another power, and the profit arising from trade was their only object in view, now, when they are become the Sovereigns of Bengal, the continuation of such a practice can no otherwise be considered than like the ideot-practice of killing the prolific hen to get her golden eggs all at once.

But for the better understanding of the nature of these oppressions, it may not be improper to explain the methods of providing an *investment* of piece goods, as conducted either by the export warehouse-keeper and the Company's servants at the subordinate factories, on the Company's account, or by the English gentlemen in the service of the Company, as their own private ventures. In either case, factors, or agents called gomáſtahs are engaged at monthly wages by the gentleman's Banyán; there being generally, on each expedition, one head gomáſtah, one móhûrce or clerk, and one cash-keeper, with some peons and hircârahs; the latter being for the purpose of intelligence, or carrying letters to and fro, which, for want of regular posts, every merchant does at his own expence. These are dispatched, with a Perwânah from the Governor of Calcutta, or the chief of a subordinate to the Zemindár of the districts where the purchases are intended to be made; directing him not to impede their business, but to give them every assistance in his power. The next step is to purchase a convenient sum in such species of rupees in the Bazár, at the batta current among the Shroffs, or money-changers, as will best answer in the intended districts of purchase, which is dispatched for the first advances to the weavers; and afterwards, generally a proportion of such goods as it is imagined can be sold advantageously in the said districts, and realized in time for the latter advances, in full, to the weavers, are also dispatched, with the Company's dustuck, and consigned to these gomáſtahs. Upon the gomáſtah's arrival

arrival at the aurung, or manufacturing town, he fixes upon a habitation which he calls his *Cutcherry*; to which, by his peons and hircârahs, he summons the brokers, called Dallāls, and Pykárs, together with the weavers; whom, after receipt of the money dispatched by his master, he makes to sign a bond for the delivery of a certain quantity of goods, at a certain time and price, and pays them a part of the money in advance. The assent of the poor weaver is, in general, not deemed necessary; for the gomástahs, when employed on the Company's investment, frequently make them sign what they please; and upon the weavers refusing to take the money offered, it has been known they have had it tied in their girdles, and they have been sent away with a flogging. The Dallāls are brokers, who are usually and necessarily employed by the gomástahs, as knowing and having accounts with all the weavers of the respective districts. They are often as much oppressed as the weavers; but when separately employed they always make the latter pay for it. Under the Dallāls, the Pykárs are an inferior set of brokers, who manage the minutiæ of business between the weavers and the Dallāls, as these last do with the gomástahs. A number of these weavers are generally also registered in the books of the Company's gomástahs, and not permitted to work for any others; being transferred from one to another as so many slaves, subject to the tyranny and roguery of every succeeding gomástah. The cloth, when made, is collected in a warehouse for the purpose, called a *Khattah*; where it is kept marked with the weaver's name, till it is convenient for the gomástah to *hold a Khattah*, as the term is, for assorting, and fixing the price of each piece: on which business is employed an officer called the Company's *Jáchendár*, or assorter. The roguery practised in this department is beyond imagination, but all terminates in the defrauding of the poor weaver; for the prices which the Company's gomástahs, and, in confederacy with them, the *Jachendárs* fix upon the goods, are in all places at least fifteen per cent. and in some even forty per cent. less than the goods so manufactured would sell for in the public Bazár, or market, upon a free sale. The weaver, therefore, desirous of obtaining the just price of his labour, frequently attempts to sell his cloth privately to others, particularly to the Dutch and French gomástahs, who are always ready to receive it. This occasions the English Company's gomástah to set his peons over the weaver to watch him, and not unfrequently to cut the piece out of the loom when nearly finished. With this power and influence, the gomástahs, in the mean time, are never deficient in providing as many goods as they can on their own

 accounts,

accounts, and for the Banyâns of their English employers; which they either ſell to the agents of foreign Companies on the ſpot, or diſpatch to Calcutta with the goods of their conſtituents, under cover of the ſame Company's duſtucks; in either caſe, if there is any market at all, being ſure of a profit on goods, *ſo provided*, of at leaſt twenty per cent.

In the time of the Mogul government, and even in that of the Nabôb Allaverdy Khawn, the weavers manufactured their goods freely, and without oppreſſion; and though there is no ſuch thing at preſent, it was then a common practice for reputable families of the Tânty, or weaver caſt, to employ their own capitals in manufacturing goods, which they ſold freely on their own accounts. There is a gentleman, now in England, who in the time of that Nabôb, has purchaſed in the Dacca province in one morning eight hundred pieces of muſlin at his own door, as brought to him by the weavers of their own accord. It was not till the time of Serajah al Dowlah that oppreſſions, of the natures now deſcribed, from the employing of gomáſtahs, commenced with the increaſing power of the Engliſh Company, upon their changing the mode of providing their inveſtment: and the ſame gentleman was alſo, in Serajah al Dowlah's time, witneſs to the fact of above ſeven hundred families of weavers, in the diſtricts round Jungulbarry, at once abandoning their country and their profeſſions on account of oppreſſions of this nature, which were then only commencing. Since thoſe days the natives have had no Nabôb to apply to in caſes of oppreſſion, but ſuch as were the dependent creatures of the Engliſh Company, againſt whom they could hope for no redreſs.

With every ſpecies of monopoly, therefore, every kind of oppreſſion to manufacturers, of all denominations throughout the whole country, has daily increaſed; inſomuch that weavers, for daring to ſell their goods, and Dallāls and Pykárs, for having contributed to or connived at ſuch ſales, have, by the Company's agents, been frequently ſeized and impriſoned, confined in irons, fined conſiderable ſums of money, flogged, and deprived, in the moſt ignominious manner, of what they eſteem moſt valuable, their caſts. Weavers alſo, upon their inability to perform ſuch agreements as have been forced from them by the Company's agents, univerſally known in Bengal by the name of *Mutchulcahs*, have had their goods ſeized, and ſold on the ſpot, to make good the deficiency: and the winders of raw ſilk, called *Nagaads*, have been treated alſo with ſuch injuſtice, that inſtances have been known of their cutting off their thumbs, to prevent their being forced to wind ſilk.

This

This last kind of workmen were pursued with such rigour during Lord Clive's late government in Bengal, from a zeal for increasing the Company's investment of raw silk, that the most sacred laws of society were atrociously violated; for it was a common thing for the Company's seapoys to be sent by force of arms to break open the houses of the Armenian merchants established at Sydabâd (who have, from time immemorial, been largely concerned in the silk trade) and forcibly take the *Nagaads* from their work, and carry them away to the English factory.

In this situation of the trade in Bengal, exclusive of such articles as are necessarily provided for the English Company's investment, which, as before observed, is the worst of all monopolies; exclusive of what the Foreign Companies are permitted to provide, in order to prevent clamours in Europe (for which goods however such Foreigners are obliged to pay prices much superior to those given by the English Gomástahs) and exclusive also of the little which the honest private merchant may be able to provide *secretly*, the whole inland trade, in almost every thing else that the country produces, and even the trade in some principal articles of foreign import, has been carried on as monopolies, by a few of the superior servants of the English Company, with their Banyáns and favourites: and not only every public measure of late years adopted by the government at Calcutta, has been calculated to favour the establishment of such monopolies, but even the contradictory and injudicious orders of the Court of Directors, on some occasions, from a want of * local knowledge, and on others from connivance at the proceedings of their servants abroad, or from the state of parties in Leadenhall-street, have promoted such shameful measures.

Among the monopolies thus established, two were of such a nature, that they could not have been invented more destructive to the country than they really proved. One was that of salt, beetle-nut and tobacco, of which we have particularly treated in our preceding chapter: the other was of the cotton imported by sea from Surat, which tended directly to the ruination of the callico manufactories, and in the manner in which it was partly carried on, to the destruction likewise of the revenues. This was a combination among most of the Gentlemen of

* A remarkable instance of this want of local knowledge was given before the Honourable House of Commons, on the 9th and 10th of April 1767, by two Directors of the Company, then examined at the bar: one of whom declared he had been ten years and the other twenty in the Direction. They had both respectively held the Chair of the Company, and yet declared they did not know the Danes had any settlement in Bengal; notwithstanding their town and factory of Serampore is only about ten miles distant from Calcutta, upon the river Hoogly.

the Council at Calcutta, to engroſs as much as they could of the Bombay and Surat cotton. The original concern of what was bought up on this monopoly amounted to twenty-five lacks of rupees, or upwards of three hundred thouſand pounds ſterling, which they divided in ſhares among themſelves. The prices of cotton which in Bengal, upon the commencement of the monopoly were at ſixteen and eighteen rupees *per maund*, of about eighty pounds weight, were ſoon run up to twenty-eight and thirty rupees: but, unfortunately for the concerned, the crop of country cotton, ſo called by the Engliſh, but *Capaas* by the natives of Bengal, proved at that time very plentiful; and a great quantity of cotton was at the ſame time alſo unexpectedly imported in a new track of trade, from a diſtant country down the rivers Jumna and Ganges, which greatly prejudiced the ſales of the monopolizers. Two expedients were therefore thought of to facilitate the ſales of the cotton of this monopoly; one, to employ the nominal deputy Nabôb, but in fact the only man in power under the Company's ſervants, Mahomed Reza Khawn, at Murſhedabâd, to take and diſtribute it among the Zemindárs; and the other was, by means of the ſame mock authority, to prevent the importation of the cotton from the upper countries. Accordingly a conſiderable quantity was actually ſent from Calcutta up to Mahomed Reza Khawn, and diſtributed among the Zemindárs; and on the borders of the Bahár province a new and extraordinary duty of above thirty per cent. was levied upon the cotton brought down from the high country; which was a moſt effectual method of preventing its introduction into the Bengal provinces.

The public monopoly next in conſequence, as of late practiſed, has been that of piece-goods fit for the markets of Buſſorah, Judda, Mocha, Bombay, Surat and Madraſs. Of thoſe goods there are many ſorts which the Engliſh Company do not deal in; ſuch as, at Dacca, the coarſer kinds of Mulmuls, called Anundy, Hyaty, Sonárgoung and Sherbetty; and at Coſſimbazár and Radnagore ſeveral ſorts of Sarries, called Chappa, Mugga, Tempy, Tarachaundy, and Mucta; alſo Soocies and Soocy-ſarries, Cuttanees and Taffeties, &c. in the proviſion of which nevertheleſs, under the ſame influence, like oppreſſions are practiſed as for the Company's inveſtment.

For the diſpoſal of the goods of this joint concern, another monopoly is eſtabliſhed of the excluſive right of exportation, particularly to Buſſorah, Judda and Mocha, which uſed to be the moſt profitable voyages. For this purpoſe, the Governor and Council of Calcutta fit out ſhips, generally known by the denomination of *the freight ſhips*, on which the goods of this joint-concern are firſt ſhipped, and the remainder of the tonnage

tonnage is filled up on freight. The management of this concern is under the direction of a Member of the Council, who is acting-owner, and keeps a warehouſe for this purpoſe, generally known in Calcutta by the name of *the freight-warehouſe*. When one of theſe freight-ſhips is ſet up, no other perſons among *the few that can provide goods* dare attempt to ſet up another on the ſame voyage, without the permiſſion of the Governor and Council; nor is any perſon ſuffered to load their goods on any other ſhip for thoſe markets, if ſuch ſhould be permitted to be ſet up, until the loading of the freight-ſhip of the Governor and Council be compleated. Frequent inſtances have been known of the goods of private merchants, even Europeans, but particularly of thoſe belonging to Armenians, Moguls and Gentoos, being, in conſequence of this monopoly, ſtopped on the public road, and by force carried to the freight-warehouſe; and the proprietors of ſuch goods have been obliged, contrary to their wills, to ſee their goods ſhipped on veſſels they had not a good opinion of, and going on voyages whoſe deſtination and management were often contrary to their own private ſchemes of trade: in conſequence of which unwarrantable proceedings, thoſe merchants have frequently loſt their ſales, have had their goods damaged, left at ports they never deſigned they ſhould touch at, and have ſometimes loſt even the goods themſelves. By all which cruel circumſtances there have been in Bengal many inſtances of families of Armenians, principal traders in this branch to Perſia and Arabia, the former of which may properly be called their own country, who have been totally ruined.

Among the many methods that have been put in practice by the Governor and Council of Calcutta, for ſecuring the monopolies of the inland trade, though under various ſpecious pretences of their being for the benefit of the Company and natives, as well as for public good, the following are ſome of the moſt remarkable.

Merchants have been ſtrictly prohibited from ſending Gomâſtahs into the interior country, to purchaſe or provide any goods, without a Perwânah from the Governor of Calcutta. Without this Perwânah, it would be in vain to attempt to purchaſe, notwithſtanding a merchant ſhould agree to pay double what is called *the government duties*; though in fact ſuch Perwânah, when obtained, would in general be of no ſervice to the country merchant, without ſome ſpecial private protection, as the bonds called *Mutchulcahs*, already explained, are in general taken by the Company's Gomâſtahs, from the Weavers and Dallāls, throughout the whole country.

An

An order of Council was also issued, prohibiting all Englishmen from quitting Calcutta, or residing at any subordinate factory, or in any part of the inland country, under a pretence, that they were guilty of oppressions towards the natives. It was said this restriction was by order of the Court of East India Directors, and intended to prevent such irregularities. Whatever might have been the real motives for this regulation, it was admirably well calculated to favour the establishment and continuation of monopolies, and to prevent discoveries of transactions of a more private nature in the inland country, where many secrets lay buried. However, when the * Gentlemen of the Secret Committee, who published that order, found it convenient for their business in salt, beetle-nut and tobacco, they did not, as we have shewn in our last chapter, hesitate to appoint and station, all at once, no less than ten English gentlemen, as agents, in different parts of the country for the sales of salt.

After the facts herein taken notice of, respecting the proceedings of Black Gomástahs, it would be paying a bad compliment to the natives of this country to suppose, that an English agent could possibly exceed the Blacks in the commission of every species of enormity: and to suppose that English individuals were properly prohibited from residing in the inland country of which the English Company were the acting Sovereigns, on account of any irregularities they committed, would be admitting absurdities. It would be admitting that the Governors of a country could fancy it for the benefit of that country, that it should not be inhabited by their fellow-subjects. It would be supposing that a despotic Sovereign, whose power is as unlimited as he chooses to make it, could not prevent the commission of offences, or duly chastise the delinquents for such, when committed even within his own dominions. Or else, by maintaining the propriety of such an order from the Company, or their Governor and Council of Calcutta, we must admit what would not be much to their honour, that they were totally unqualified for holding those reins of government which they had taken into their hands.

But this restriction was no less absurd in another point of view; for it put the Englishman upon a worse footing than foreigners in a country conquered by his own nation; since the Governor and Council thereby deprived him of that right of loco-motion which, by the law of nations,

* Even the gentlemen who concurred in opinion of the propriety of that order upon this occasion, had before given their sentiments in direct opposition to such a measure. See AUTHENTIC PAPERS, page 200.

nations, they could not restrain in the French, Dutch, Portugueze, or Danes, who have settlements in Bengal.

How different the conduct of the Dutch Company! and what amazing good consequences have evidently been produced by contrary measures even at the Cape of Good Hope! Instead of preventing their fellow-subjects from existing or living in the interior country, their policy encourages it to the utmost. They have countrymen established in the inland parts at the distance of above six hundred miles from their chief settlement; where, by a well-regulated police, a due administration of justice, and the encouragement of agriculture, assisted with the improvements of European artists, they have rendered their colony on that rocky mountain so abundant in wine, cattle, grain, and all the fruits of the earth, and upon the whole so beautiful and flourishing, as gives occasion for great comparative reproach on the East India Company of this kingdom.

But not content with the prohibitions and restrictions of trade *within* the provinces of Bengal, Bahár and Orissa, the Governor and Council of Calcutta, on the 18th May 1768, and we will suppose also by the authority of the Court of Directors, proceeded to publish an * edict, prohibiting not only the Company's servants and free merchants, but every other European under the Company's protection, as well as *all Armenians and Portugueze, or the descendants of Armenians and Portugueze*, from carrying on any trade, directly or indirectly, *beyond or without* the limits of the said provinces of Bengal, Bahár and Orissa: and it was therein ordained, "that if any of the persons described "should attempt to transport any merchandize *beyond* those provinces, "all such merchandize should be *seized* and *confiscated*, and the gomáftahs having charge of such contraband trade should be *punished with* "*the utmost severity*;" it being intended by the Governor and Council, as was alledged, "*that none but the natives of the country (Mussul-* "*men and Hindoos) should enjoy the privilege of that trade.*"

To particularize, in a mercantile community, all the gross absurdities and the injustice of such an order, would be to offer an insult to every man of understanding; we will therefore only remark, that this order principally contributed to the producing of two ruinous effects; one, the prevention of extending the Company's sales of British woollens and other staple commodities of this kingdom, and the other, adding to the discouragement of the inland importation of bullion, by lessening all mercantile connections with the merchants of the interior parts of Hindostan.

* See this *Edict* at large in our APPENDIX, N° XXIX. page 80.

Hindostân. From whence the Company, or their Governor and Council, could derive these powers of confiscation and punishment, or by what authority they could deprive of their natural rights, the Armenians and Portugueze established in Bengal, who, as well as their forefathers, were natives of that country equally with *the Mussulmen and Hindoos;* or with what view they wanted to prevent all trade in the dominions bordering upon Bengal, notwithstanding the Princes of such adjacent countries permitted, encouraged, and according to *the usages of the empire*, could not prevent such trade, it must be hard to account for, unless from private selfish motives; which latter we are the more inclined to believe must have been the case, as the very gentlemen who made this restrictive order also continued their own agents and gomástahs in the interdicted districts.

In another place we have already observed, that in former times it was customary for merchants from all the inland parts of Asia, and even from Tartary, to resort to Bengal with little else than money or bills to purchase the commodities of those provinces. A variety of merchants of different nations and religions, such as *Cashmeerians* *, *Multânys*, *Patâns*, *Sheiks*, *Suniassys*, *Poggyahs*, *Betteeas* and many others used to resort to Bengal annually, in *Caffeelahs*, or large parties, of many thousands together (with troops of oxen for the transport of goods) from different parts of Hindostân; by which the inland importation of bullion into Bengal always far exceeded the whole importation by sea from Europe and the gulfs of Persia and Arabia. Thus, by the bad practices of the Company's agents and gomástahs in the interior parts, and by those proceedings of the Company, or their Governor and Council of Calcutta which we have now instanced, all those foreign merchants have been deterred from approaching the Bengal provinces; and things have come to such a pass, that the whole of that advantageous trade is now turned into other channels, and probably lost to those countries for ever.

Indeed, as we have before observed, the proceedings and orders of the Courts of East India Directors respecting the inland trade of Bengal, have, either from the state of parties or from ignorance, in general been equally destructive of the welfare of those countries and the real interests of the Company, with those of their late Governors and Councils at Calcutta. And in nothing has this been more apparent than in their

* It was customary for the merchants of Cashmeer to go and make even *salt* in the woods called *Sunderbund*, being at the very bottom of the Bay of Bengal: as may be seen by a letter from the Nabôb, Cossim Ally Khawn to Governor Vansittart. See Mr. VANSITTART's NARRATIVE, Vol. II. pgae 167.

orders respecting the trade in salt: which trade, at any rate, has in general been looked upon, by misinformed East India stock-holders, as destructive and criminal, though the fact is, that the abuse of it only has been such; for the fair and open practice of it by all men, ever did, and ever must contribute to the welfare of the country. Thus in their letters to Bengal, dated the 8th February 1764, and the 19th February 1766, the Court of Directors absolutely prohibited the trade in salt to all Europeans whomsoever, residing under their protection, though they should trade therein with paying the very utmost duties, and entirely upon a footing with the natives. They likewise, at the same time prohibited "trade in all other articles *that are not for export* "*and import.*"

The districts belonging to Bengal which produce salt, are only such places as are washed by the influx of the tide from the sea, for about sixty miles up the rivers from the bottom of the bay; where it is made by boiling an artificial brine filtrated through prepared earth, by a process very different from what is practised in Europe, or in the other parts of India. The reader may see in the map, that the lands so washed, are those to the south of Calcutta, and across the bay, from Chittigong to Ballasore, all which, including the provinces of Midnipore and Burdwân, excepting Jessore, Roymungul and a few other Pergúnnahs dependent on Hoogly, are the lands of the Company's former grants from the Nabôbs of Bengal, possessed before the setting up of the farce of the Dewannee. Many of those lands produce nothing but salt, from which the whole of their revenue arises: but from the situation of the private trade of the country, as already shewn, as well as, in particular, from the fluctuating tenor of orders issued at Calcutta* relative to this trade, none of the natives would, at that time, or even since, venture to make salt, unless privately concerned with, or protected by some gentleman of power and influence in the service of the Company.

In this situation of the country, or indeed in any other, the wisest measure the Company could pursue, would have been to encourage, without

* In consequence of repeated orders received from the Court of East India Directors, the Governor and Council of Calcutta, in February 1767, issued a proclamation, encouraging the natives to make salt; and upon the faith of this order many of them engaged in the business, particularly in the woods; where it is made on low grounds which are overflowed upon the rising of the Ganges, after the periodical rains. In the mean time the Dewân or head Banyán of the Governor, and the Banyáns of some of the other principal gentlemen, who had formed a society, and became large purchasers of the Committee's salt (although the same was expresly contrary to the fourth regulation of the Committee, of the 3d September 1766) represented to the Committee, that if the new salt was permitted to be brought to market before their own was sold off, they should be ruined by their bargain with the

without restriction, Europeans and others, of all denominations, upon engaging to pay the established duties, to embark in the business of salt-making; as well because Europeans would be more likely than the natives to counteract, if possible, the monopolizing spirit of the superior servants of the Company, as for the sake of the consequences which must naturally follow, viz. the great improvement of the revenues of the salt-pergúnnahs, and the lowering of the price of so principal a necessary of life. Indeed it is amazing, that a commercial body of men, like the English East India Directors, should in any situation think of prohibiting the free exercise of trade, according to established custom, in a commercial country, like Bengal; and particularly when even the prosperity of their constitutents affairs must depend on such freedom. Every prohibition of one set of men, in favour of another, or the allowing of a free trade in some articles, and laying partial restrictions on others, must tend to the establishment of mischievous monopolies: but when the interdicted persons are the rulers, in a distant country, of subjects totally dependent and made abjectly subservient, the issuing of such prohibitory restrictions is encouraging collusions for partial views: so that the very expectation of obedience in such cases becomes not less absurd than the issuing of such orders is impolitic. It is moreover, in the cases before us, peculiarly disgraceful; for before the Company made themselves Sovereigns there, the worst or weakest of the ancient *black Nabóbs* would not have prohibited even any European in Bengal from trading in any particular article, so long as he paid the full duties, and conformed to the customs of the land. It is likewise contrary to the sentiments and orders of former Courts of Directors; who, as we have shewn in our eighth chapter, allowed of all trade in India, on payment of the established duties, and only aimed at the prevention of the abuses of their firmaun-dustuck; which, in fact, was all that they could have a right to interfere with.

the Committee. In consequence of this representation, on the 12th August 1767, there was another proclamation issued, forbidding the removal of any new-made salt from the ground where it was produced. This was a most effectual method of preventing the sales of the new-made salt. The salt-makers, called Molúnguees, came up to Calcutta in a body to petition for liberty to remove their salt before the swelling of the river: and the writer has seen above two hundred of them surround the Governor's palanqueen for that purpose, on the high road, and falling prostrate on their faces before him. They were referred to *the Dewân*, though the very man against whom they complained; and before they could obtain an order, their salt was washed away. To shew the power of a Governor's Dewan upon such occasions, the reader must be informed, that at this very time the Vakeel of the Râjah of Jessore, who had come up with the Molúnguees, was taken up in Calcutta by the Gonor's Dewân, and sent a prisoner into his own province, under a guard of soldiers, where they kept him, under a guard, 'till the Dewân's business was accomplished.

As

As to the other late prohibition of their servants to trade in any articles but what *are for export and import*, it is a nice distinction, which modern Directors alone can explain; for we assert there is not an article of trade in Bengal but what is either *an import* or *an export*; and even the article of salt, now under consideration, is in large quantities continually imported from the Marahtah Pergúnnahs about Ballasore and Cuttack, from the coast of Coromandel, and from Persia.

The orders of the Court of Directors respecting dustucks have also been equally inconsistent and contradictory. At one time they have ordered them to be granted to all their covenanted servants indiscriminately; at another they have been allowed only to those above the rank of writers; at this time they have ordered the free merchants to be indulged with them, and at that, they have directed this indulgence to be with-held, according to the narrow or more enlarged notions of the leading Directors for the time being.

The trade of individuals *in India* must ever be to the Company's special advantage, and cannot affect their exclusive trade to and from Europe, but advantageously; notwithstanding some people, in order to screen their own monopolies, have always endeavoured to make it appear pernicious to the Company: and such prohibitions and restrictions as we have just taken notice of, laid on trade in a commercial country, are, in fact, no better than so many public edicts for the ruin of a people: all such orders therefore must ever be evaded, or their effects will indisputably prove fatal.

Among the variety of iniquitous abuses practised in Bengal and the adjacent provinces, to the injury of individuals and great hurt of trade in general, we may properly rank those of the spurious coinages which have been made of late years both in the gold and silver species, expressly contrary to law, and apparently for fraudulent purposes.

The English East India Company are authorised by charter and law to coin the money of the countries of India in which they have their principal settlements, with the permission however of the governing Princes of those countries, and provided that such coinages be made equal in weight and fineness to the standards of the respective states.

There are, in the different parts of India, a variety of kinds of gold and silver money, which only pass in general currency by their respective intrinsic values. The standard coinages of India are called *Siccas*; and whether silver rupees, or gold ones, called *Móhürs*, all are estimated according to their intrinsic goodness, in proportion to their comparative value of gold with silver. The *Battas*, on the exchange of such coins, are made instruments of great abuse in the hands of

the Shroffs, or money-dealers of all kinds, as hath been ſhewn in another place.

The gold móhūrs which were iſſued at Calcutta in the year 1765, under the auſpices of Lord Clive and his Select Committee, were, by their order, made to paſs in value at fourteen ſiccas, or about ſixteen current rupees and one quarter: but their circulation at that rate could never be made general; ſo that they occaſioned great embarraſſments and, of courſe, frequent heavy loſſes. The comparative value of gold by ſilver, above the eſtabliſhed medium, in theſe gold móhūrs of the Calcutta mint, was ſaid to have been originally raiſed only ſix per cent. and two per cent. more was added for coinage-charges.

The iſſuing of them, however, proved the ſource of great evils, and was very injurious to the Company and the public, though made proportionably advantageous to jobbers. This over-rating of the value of gold ſoon contributed ſo effectually to the draining of thoſe provinces of ſilver, that the Directors in England were, under date of the 3d February 1768, informed from the Governor and Council at Calcutta, that it was then difficult to procure ſilver at that preſidency, in exchange even for an hundred gold móhūrs. And under date of the 22d of the ſame month, it was earneſtly recommended to them, from the ſaid quarter, "to conſider of ſome other means of ſupplying China with ſilver, than "from Bengal."

Gold móhūrs, at the ſame time, for want of ſilver rupees, were neceſſitated to be ſent from Bengal to Madraſs, to anſwer the moſt preſſing exigencies of that ſettlement, though it was ſeen that a very heavy loſs would attend ſuch remittances: and by the ſame advices the Directors were farther informed, that the loſs at Madraſs on ſuch remittances of the gold móhūrs from Bengal, had been *thirteen per cent.* as ſilver rupees would to that degree have better anſwered.

The Governor and Council of Calcutta likewiſe acknowledge, in their ſaid advices to the Directors, that they had been *greatly diſappointed* in their views of eſtabliſhing a gold currency, as *with all their influence*, it would not paſs in any of the provinces, "ſo wedded were the "natives to the particular ſpecie they had been accuſtomed to." But they might have ſaid, with more truth, that the people were *wiſe enough not to ſuffer themſelves to be cheated in ſo groſs a manner.*

Private advices of a later date have mentioned, that a great trade had been carried on in Calcutta in diſcounting gold móhūrs, at eleven per cent. at leaſt; which was principally carried on by *the Banyáns* of ſome of the Engliſh gentlemen high in office, by means of the common Shroffs. Thus the public offices were continually iſſuing gold móhūrs, and

and ſome at leaſt belonging to them were as continually receiving quantities of them back again, with a diſcount of profit of eleven per cent. and thus they went on iſſuing and receiving, in ſuch a degree of advantage to themſelves, money which had no currency except within the boundaries of Calcutta; ſo that thoſe who had payments to make beyond thoſe boundaries were neceſſitated to get it exchanged at ſo great a loſs by diſcount. To ſuch an extraordinary degree was this ſpurious gold coinage diſgraced at laſt even in Calcutta, that there was once a quantity of them ſold at public auction, by the authority of the Mayor's Court, which produced only ten current rupees and one quarter a mohur; which, admitting the proprietor had originally received them at ſixteen and one quarter current rupees each, made no leſs a difference than *thirty-eight per cent.* loſs.

With regard to the ſilver coinages of rupees, they are in the ſeveral parts of India of different values. *Arcots*, which are the moſt inferior of genuine rupees, and which are now coined as currently in Calcutta as in the province of Arcot, are eſtimated at eight per cent. better than current, or, what is the ſame thing, at eight per cent. leſs than the rupees of ſtandard weight and fineneſs, called *Siccas* *: and in this ſpecies of Arcots, the Engliſh European and Black troops are made to receive their pay.

Among the variety of baſe coinages which have been introduced in different diſtricts ſince the ſubverſion of the empire, there is one called a *Viziery* rupee, which is about ten per cent. worſe than Arcots. This ſpecies was introduced not many years ago in one of the diſmembered Nabôbſhips, whoſe Nabôb calling himſelf Vizier of the empire, in times of diſtreſs found himſelf neceſſitated, for the payment of his troops, to iſſue this ſpurious coin, which from him has retained the name of *Viziery* rupees; and from the confuſion introduced, with the univerſal diſregard of the laws of the late empire, the practice has been too much followed ſince, by ſuch as have had opportunities and want of conſcience enough to acquire wealth by ſo doing.

Among thoſe who have practiſed this ſpecies of robbery, the ſubſtitutes and dependents of the Engliſh Eaſt India Company have not been leaſt diſtinguiſhed; and we have had even *the Banyáns* of our military gentlemen become maſters of the mints at Banâras and Ilahabâd, in which *Vizieries* have been coined under the very noſe of our *Grand Mogul*, not only for the robbing of the poor ſoldiers, by paying them in

* The Murſhedabâd and Calcutta Sicca ſhould weigh 7dwt. 11gr. $\frac{64}{100}$ and in fineneſs ſhould be better than Engliſh ſtandard at the rate of 14dwt. 7gr. $\frac{12}{100}$ in every pound of ſilver.

Vizieries instead of good *Arcots*, but, as it is said, even for the payment of the pension to *the Great Mogul* himself; who, notwithstanding his title of *King of the World*, has found himself necessitated to exercise *Imperial* patience, and suffer the injury unresented.

Whatever propriety there might be, since those provinces became the property of the British state, in the Company's or their substitutes and dependents coining money in Bengal, independently of the supreme executive power of this kingdom, yet certainly, to make coinages that were against law, because not according to the standards of those countries, and to obtrude even government-payments with them at fraudulent valuations, must have been high crimes and misdemeanours, if not actually high treason; which latter is the only crime that by law cannot be tried in India. But surely these should be considered as practices that ought effectually to be prevented in future.

Upon the whole, it may with truth be asserted, that the monopolies which have been of late established, and the ruinous practices and regulations that have been introduced and enforced in Bengal by the English East India Company and their substitutes with respect to trade, are hastening on that destruction of the manufactories there which had its first beginning in the irregularities of usurping Nabôbs, and the depredations of the Marahtahs. They have for several years past been decreasing † in quality and advancing in price, while many manufacturers of all denominations have, by unparalleled oppressions, been driven from their callings and country.

We have seen all merchants from the interior parts of Asia effectually prevented from having any mercantile intercourse with Bengal, while, at the same time, the natives in general are in fact deprived of all trade within those provinces, it being wholly monopolized by a few Company's servants and their dependents. In such a situation, what commercial country can flourish? or who can be at a loss to account for that de-

† By the Gentoo-accounts, the former manufactures in Bengal were incomparably finer than any thing now produced. 'There was a sort of muslin called *Abrooān* which was manufactured solely for the use of the Emperor's seraglio, a piece of which, costing 400 rupees, or 50 l. sterling, is said to have weighed only five Sicca rupees, and if spread upon wet grass to have been scarcely visible. They amuse us with two stories as instances of the fineness of this cloth. One, that the Emp. Aurengzebe was angry with his daughter for shewing her skin through her cloaths; whereupon the young princess remonstrated in her justification, that she had seven *jamahs* or suits on: and another, that in the Nabôb Allaverdy Khawn's time, a weaver was chastised and turned out of the city of Dacca for his neglect, in not preventing his cow from eating up a piece of *Abrooān*, which he had spread and carelessly left on the grass.

crease

crease of the Company's credit ‡, and the great scarcity of current specie in Bengal? which last, though greatly promoted of late years by different drains, such as that of the treasures carried out of the provinces upon the flight of the Nabôb Cossim Ally Khawn, the exportations to China and the other parts of India, the suspension of importations from Europe, and the introduction at Calcutta of the above-mentioned over-rated base gold coin; yet, as they had their beginning in, so their continuance is owing chiefly to the obstructions of the original springs of commerce, and the great oppression of the industrious part of the natives.

While the Company and their substitutes, by a subversion of the rights of mankind, in the unrestrained exercise of every species of violence and injustice, are thus suffered to monopolize, not only the manufactures but the manufacturers of Bengal, and thereby totally repel that far greatest influx of wealth which used to stream in from the commerce of Asia; and likewise, by every method they can safely practise, obstruct the trade of the other European § nations with those provinces, which is the only other inlet of wealth they possibly can have, and at the same time, while they are continually draining off from thence immense sums annually for China, Madrass, Bombay and other places, the consequences cannot prove other than beggary and ruin to those inestimable territories.

These are circumstances that should serve to awaken the strong attention even of the proprietors of East India stock, as well as of the government; who should pay no regard to the confident assertion, that so long as the Ganges runs through Bengal, the inhabitants will not quit that country. The Ganges is equally, nay more venerated in other countries to the northward of Bengal and Bahár, where the Hindoos, who are only one part of the people, may equally follow the rites of *Brimha* their law-giver: besides, experience evinces the falsity of such an assertion.

The Company ought not to erect, or suffer others to establish any monopolies in Bengal; but should so regulate matters as to seek their own advantage in the prosperity of the country. Such can be the only just, the only safe policy to adopt; without which that country, with

‡ The Company's Bengal bonds have been discounted in Calcutta at upwards of fourteen per cent.

§ The necessity of encouraging such trade with other European nations on this very principle, and likewise for other prudential reasons, was seen and acknowledged even by Lord Clive in the year 1765; as may be seen by his letter to the then Directors. AUTHENTIC PAPERS concerning INDIA AFFAIRS, Pages 28 and 29.

all

all its natural reſources, will ſoon become burthenſome, inſtead of being advantageous to the Company or the nation to poſſeſs.

Such are the bad effects of evil cauſes, which are now operating very faſt towards the ruin of the Bengal provinces; ſo evidently, as when brought to a ſevere teſt, which muſt ſoon be the caſe, even Directors cannot, nor will dare to deny. If ſucceſſive ſets of Directors have been ignorant of theſe ſure effects of cauſes, they have thereby ſhewn themſelves to be unqualified for their truſt; but if they were able to trace them out, or were timely apprized of the evils, and neglected to act honourably from ſuch knowlege, they will have then proved themſelves unworthy of their truſt, and muſt deſerve to be conſidered as the betrayers of it.

It remains to be ſeen from the effects of time, what ſalutary meaſures towards the cure of preſent exiſting, and the prevention of dreaded evils in future, have been or may hereafter be adopted from the wiſdom of Directors; but however the *temporary* proprietors of Eaſt India ſtock, or ſuch as have an intereſt in the Company's affairs ſeparate from that of the public, may think and act on theſe matters, it ſhould be greatly hoped, by every real well-wiſher to this kingdom, that government will take the preſervation and improvement of thoſe Aſiatic dominions, which it is conceived would be no very hard taſk, into their moſt ſerious conſideration, while there is yet time for making preventive remedies efficaciouſly to operate. The critical period cannot now be far diſtant; ſo that longer delays may render the application of reſtorative means ineffectual, becauſe unfortunately made too late.

CHAP.

CHAP. XV.

ON the NATURE and DEFECTS of the CONSTITUTION of the ENGLISH EAST INDIA COMPANY.

OF all political tyrannies, the Aristocratic is worst, having ever been found, from experience, the most partial and oppressive. And of all Aristocracies, perhaps a trading one is least endurable, from being most likely to abuse power; as was frequently verified in ancient times, and in later ages has been practically exemplified in Venice and Genoa.

The Dutch East India Company is Aristocratic in its executive; but then it is the subject of a Democratic Trading-state, which has established such effectual checks on all entrusted operative powers in India, as serve fully to prevent both executive oppression, and the rapine of individuals.

The English East India Company was originally intended to be a merely trading community, being first instituted by Queen Elizabeth's charter of the 30th December 1600, expresly "for the honour of the "nation, the increase of navigation, and the advancement of trade and "merchandize within the British dominions; *for the increase of the "Riches of the People and the Benefit of the Commonwealth.*" And indeed this Company, by its constitution, is as unfit to exercise Sovereign authority, as by the constitution of the kingdom it must be unqualified either to acquire or possess it.

The Company are institutionally a Democratic body, the supreme power, even over the management of their commercial concerns, being placed, at large, in the hands of all proprietors who have five hundred pounds stock: and so entirely popular is the government of this commercial community, that any nine proprietors who are qualified for voting at their meetings, or general courts, can at any time require and procure the assembling of the whole body, for specified business; where a majority of the members are entitled to demand whatever informations or inspections they please; to regulate dividends, to establish bye-laws and resolutions, and to order their being carried into execution by their substitutes, the Twenty-four Directors, who are annually chosen; *provided such regulations be conformable to the Company's charter, and not repugnant to the laws of the kingdom.*

Such is the constitution of this incorporated community; which is suitable to the nature and ends of its institution, being the employment of the joint stock in commerce, to their own advantage, and at the same time to the benefit of the state. The exclusive right of trade granted to them was for the sake of encouraging a new and important branch of commerce that might prove beneficial to the kingdom, and which was not likely perhaps, at that time, to be properly undertaken or prosecuted on any other conditions: and this in fact is the only constitutional reason that could ever be advanced to authorize the granting of such exclusive rights by charters. While this incorporated body of merchants, therefore, were prosecuting trade in pursuit of their own interest, they were likewise to be considered as acting in trust for the public, under the protection, inspection and controul of Government; because, like that which is carried on between Great Britain and every other country, the commerce with India is the commerce of the state.

So long as the concerns of the Company continued purely commercial, and while in India they were subject to the controul of the Indian Governments, the powers they were entrusted with, under the authority and protection of the Crown of Great Britain, for the government of those settlements which they were authorized to establish in such remote countries, for the better carrying on of their trade, might be considered as safe and requisite. The stake then principally hazarded was the property of a trading community, who had no other views or expectations than of the profits arising from their commerce, in their management of which there could be little pretence for Government's interfering: though it must be confessed the power which the Company were authorized to exercise in India was, even soon after their first establishment, too frequently abused by gross acts of injustice and oppression; such as appear to have been successively continued down, with great increase, to the present times.

But the circumstances of this Company have within a few years past become greatly different from what they were, or could be foreseen either at the first grant, or on any renewal of their charter. By the forces of the Company, in conjunction with those of the Kingdom, immense territories have been acquired in India. And though of right they can only belong to the State, yet hitherto they have been with-held by, or rather have been farmed to the Company, together, in fact, with the persons and rights of their numerous inhabitants, for a stipulated annual consideration: so that the Company now possess and exercise in those territories, not only all their prior commercial privileges, but likewise all the powers of despotic Sovereignty, equally over their fellow

European

European subjects and the helpless subdued Asiatics; there being no courts of justice, in those countries, that are effectual for the due protection of either.

The following are therefore now become interesting objects of consideration. Whether the protection and government of such extensive, populous and wealthy provinces as may be said to constitute a great empire, and the management and appropriation of a yearly revenue of several millions sterling, can wisely or safely be intrusted, as at present, without adequate checks on the part of the Crown and People, to the care of a fluctuating, democratic community of traders; composed not only of the native subjects of Great Britain, but likewise of aliens of all countries and religions? And such considerations as these are the more necessary at present, as the very stock of this Company, with all the powers and rights annexed to it, may, in effect, be engrossed by combining proprietors. From what we have seen, it may even be apprehended, that one man might obtain the command of the Company, by dint of wealth perhaps acquired in its service; and by a dextrous management of split stock, among temporary proprietors, get voted in his own favour, whatsoever he pleased. Even foreigners may combine, and by engrossing much stock, perhaps influence such measures as would endanger the Asiatic territorial possessions, and therewith the India trade of this nation. At a critical season they might possibly be made instruments for even disturbing the peace of Europe, and thereby expose to hazard the future power and welfare of this kingdom.

Whatever view we take of the constitution of the India Company, to whom those Indian territories, and with them no inconsiderable portion of the national influence and power in Europe are intrusted, it must appear, that such possessions are of too much consequence to be abandoned to twenty-four Directors, who, it may be feared, are on many accounts but ill qualified for the entire management of concerns of such infinite importance, being generally elected by the combinations and intrigues of a few monied men, who may be actuated by no better motives than the acquisition of power and influence to themselves, and of rapid fortunes to their families, dependents and creatures. And indeed the general prevalency of the *House-Lists* of candidates at Elections for Directors, and of *House-Questions*, carried by the *Household Troops*, at most of the general courts, might serve to convince us, that those Ministers of the Company, after they are so chosen, become in reality its Masters; though perhaps on some occasions they may act as the mere tools of such individuals as helped to exalt them, and who in so doing had their own distinct interests in view.

But whether the Directors act under the influence of others or not, when we consider what they have at their disposal both in England and India; where there is so much to bestow, and consequently so much to acquire in the civil, military and maritime departments; so many preferences to be given in a variety of employments, and likewise in almost all kinds of dealings; where the whole quantity of stock is so limited, and of course the number of proprietors qualified for voting so small; while the requisite property for candidateship for the Direction is so inconsiderable, in comparison with the many advantages that may be reaped, and the gratifications that can be conferred; and when it is farther considered, how much India stock usually belongs to foreigners abroad, to women, minors and such proprietors as are not qualified for voting in the assemblies of the Company; when we consider all these circumstances together, the proofs daily given of the undue influence possessed by the Directors over the general body of voters, can excite in us no wonder.

Thus, though in constitution the Company is a Democracy, it is, from corruption, become in practice a mere Oligarchy. A majority of the twenty-four Directors can exercise such despotic powers as operate without limit both in Europe and Asia; not only over the property of that respectable body THE REAL PROPRIETORS (which ought ever to be distinguished from the cabals of the avaricious and ambitious) but likewise over the fortunes of all men who engage in the Company's service. And this power they no less exercise over the people, the revenues, the internal trade and external commerce of a very considerable part of India, than over what they for so long a time have possessed, the whole traffic of this kingdom with the eastern quarter of the globe.

Yet great as we know the power of Directors to be in Europe, we likewise know, that there have been, and may believe there still are such despots in the service of the Company abroad, as dare not only to interpret the orders of their employers as may best serve their own purposes, whether in the establishment of such monopolies as are grievous to the native people, injurious to trade and freedom, and greatly hurtful to the Company; but even peremptorily to dispute their most absolute injunctions, and likewise to abuse the powers which are only intrusted to them for good purposes, by gross perversions of justice, violations of law and established custom, arbitrary and unconstitutional applications of military force, and even the exercise of wanton tyranny for the worst of purposes. At the same time we behold the impotency of power, if the expression may be allowed us, or the force of what is

worſe, to be ſuch on this ſide of the ocean, that not one delinquent in India is brought to juſtice in Europe: nor do we hear of any kind of redreſs having been ever otherwiſe than reluctantly granted, by Directors, to ſuch unhappy people as had been barbarouſly trampled on, wantonly perſecuted, cruelly ſtripped, exiled, or even ruined; not only without proved guilt that deſerved puniſhment, or without trial of any kind, but even without ſo much as the open accuſation of a miſdemeanor! While, on the contrary, we have ſeen the very oppreſſors of innocent men, not only careſſed, but even aſſociated in the Direction ſoon after their arrival; while uncommon induſtry has been uſed to ſtifle accuſations, or even to bear down, by power, the ſuffering complainants of injury and oppreſſion. Inſtances of conduct, which have ſerved to remind the generous and humane, of the pro-conſular ravages that were practiſed in the Roman provinces, and of the applications that were afterwards ineffectually made either for juſtice or redreſs, to the temporary Directors of public affairs in Rome, the ſeat of univerſal empire; during the laſt, luxurious, corrupt and rapacious ſtages of that once glorious, but then degenerated and ſinking Commonwealth.

Since their aſſuming the Dewannee, the views conſequent of conqueſt ſeem to have ſo engroſſed the attention of this Company, or rather of thoſe who act for them, that they appear to have been as regardleſs of the true commercial intereſts of the kingdom as they have ſhewn themſelves inattentive to acts of juſtice, on complaints of the worſt abuſes of power; for, notwithſtanding the great increaſe of their dominion, power and influence, there has been little, if any increaſe in the ſales of Britiſh woollens in Bengal. The Turkey trade in this branch is known to have greatly declined of late years, inſomuch that the clothiers who manufacture white cloths have principally depended on the exportation to India, and are quite at a ſtand when the India Company fail in the quantity uſually exported by them. The trade in broad-cloths from hence to India is all, except in the mereſt trifles, ſtrictly prohibited to all dependents on the Eaſt India Company, from the general practice, which indeed is common to all monopoliſts, not to clog markets with commodities, in order the better to ſupport their prices. Nevertheleſs, without the abilities of conſummate politicians, or even the knowledge of the moſt experienced merchants, ſuch regulations might be made, and ſuch undertakings encouraged as would ſoon double the ſales of broad-cloth, and the other woollen manufactures of this kingdom in Bengal: and certainly nothing could be more laudable than the purſuit of every juſt meaſure that could be invented to encourage and increaſe the conſumption of ſuch articles.

A ſenſible

A sensible writer *, not long ago, took on himself the task of representing the necessity there had become of separating the territorial and commercial powers in Bengal, as much for the security of the Company as the advantage of the state. His sentiments concerning the Company were the following. "That it is itself a subject, possessing neither "supreme legislative or judicial authority over its own institution of "fellow subjects, for the government of those dominions; which re-"presentative it can neither properly direct, restrain, controul, or "inspect; and that such a substitution is, therefore, absolute, despotic "and arbitrary in the execution of its sovereign trust. That the Com-"pany is a Sovereign in the capacity of a merchant, and accordingly "acts there in that double capacity; and that those who act under "them are despots and merchants, as well for themselves as the Com-"pany: which are circumstances that must prove destructive to a com-"mercial country. That, being a subject, depending on the govern-"ment of the country in which it resides for its own protection and "existence, it is totally devoid of that quality which constitutes the very "end and being of government, which is protection."

He then proceeds to describe the Company's artificial government of Bengal, which is by pretending to hold an office under the Mogul, who was in fact their prisoner, unacknowledged as such but by themselves, those under their influence, or such as have like motives; and a Nabôb without power, who is dependent on them for support. Of these, but more particularly the latter, and of the base uses they make of him, there needs no more to be said here, but that he is forced to cover, and too frequently, in effect, to perpetrate even the most unwarrantable actions.

He represents the real government of that country to be in the hands of young European servants to the Company; on whose proceedings the government of this kingdom appears to bestow very little attention, while they are submitted to by the natives with the most timid resignation, and are but little under the controul even of their masters, the India Directors; because many of them may be supposed to depend chiefly, for support, on their interest at home. But should the very worst punishment in the power of Directors be inflicted on a Governor, or other great and successful man, which is dismission from the service, it is but what he was prepared for: "being ready," says our writer, "to embark with a princely fortune for his mother-country, where he "sets the Company at defiance; seeing, that in an ordinary court

* The Author of THE TRUE ALARM. Published by *Almon* in 1770.

"of

"of justice they can convict him of nothing more than *an error of* "*judgment.*"

Having already treated of the present state of justice in Bengal, we shall only here observe, that with respect to criminal justice, the Governor and Council are, in fact, the parties to prosecute, the magistrates to imprison, the judges to sentence, the Sovereigns to order execution, and such despots in authority, that no grand or petit jury dares venture to disoblige them; while for decisions respecting property they have, as we have before shewn, the appointing of the judges, who decree without juries, and likewise the power of displacing them on any exhibited complaint made to themselves, which it will readily be supposed they can with facility at any time procure. So likewise they can cause what kinds of justice they please to be executed on the unprotected natives; and should any of them, against the will of their arbitrary rulers, but dare to avail themselves of their right to appeal to the laws of England for justice, they can, and do forcibly deliver them up into the hands of their creature of a Mock-Nabôb, "who (as the "writer * last quoted observes) punctually and literally *executes his* "*orders*. And thus (continues our author) we find this shadow of a "Nabôb serves to effectually exclude the natives of that country from "the privilege of the English laws."

With respect to commerce and internal trade, which are the chief sources of wealth and power to a nation, as they likewise are of prosperity to individuals, the whole of both, in Bengal, are in effect monopolies, either in the hands of the Company or those of its servants: the former, from being the only merchant or commercial importer and exporter, is of course the exclusive buyer and seller from or to Europe, on self-prescribed conditions, at least as far as regards British commerce; and likewise is greatly prescriptive, in effect, with respect to the rest. The advantages of one buyer over many sellers, and of one seller over many buyers, is no other than the acquisition of a doubly-monopolizing power over the property of a whole people, and therefore dangerous alike to the welfare of individuals and the prosperity of a country; but of course must prove greatly more so when united, as at present in Bengal, with unlimited sovereignty.

With respect to the latter, we mean the servants of the Company, they directly or indirectly monopolize whatever branches they please of the internal trade of those countries, whether of provisions and the necessaries of life, or the raw materials for manufacturing: in which kinds

* The True Alarm. Page 33.

of commodities, without full freedom of dealings, no country can ever be made, or kept prosperous; nor will a trading one in such a situation long subsist; as, if speedy remedies be not applied, the Company and this nation must, and will very soon experience, in the fatal effects of the evils resulting from such a conduct, on the manufactures, revenues and trade of the subjected Bengal provinces.

Many of the evils under which Bengal has laboured for some years past, as we have observed in another place, may truly be said, in a great measure, to have originated in Leaden-hall-street, from the ignorance, or worse, of Directors; from the continual changes and fluctuating state of that Court, as well as of the General Court of Proprietors; and for want of a permanent system of government adequate to the altered state of the Company's affairs in those distant regions. No stronger proof can be given of the defective constitution of this Company, or of the incompetency of the Courts of Directors, than the very necessity which the present Court have thought themselves under of having recourse to the expedient of sending Supervisors to India; which, after all, unless a system be adopted very different from any we have hitherto seen, will most probably prove as ineffectual as every other merely temporary expedient has done in India affairs, or any others.

The temptations to and the opportunities which the situation of the Company have afforded of late years for the sudden acquisition of wealth and power, both at home and abroad, have been great and numerous, and such as few men have the virtue to withstand; while they have served to establish a variety of interests, combating each other, among all ranks of persons interested in the society, distinct from all prospects of advantage from the joint trade, and even often repugnant to the interests of the nation. While such continue to be the situation and government of the Company, it will be contrary to reason, the nature of the human passions, and indeed of all experience, to expect other management, or other consequences, let whatever set of men be in the direction of their affairs, either in England or India. Upon the whole, the Company, in its present situation, may be compared to a stupendous edifice, suddenly built on a foundation not previously well examined or secured, inhabited by momentary proprietors and governors, divided by different interests opposed to each other; and who, while one set of them is overloading the superstructure, another is undermining its foundations.

CHAP. XVI.

CONCLUSION.

AFTER so ample a discussion of the various subjects of these sheets under distinct heads, we shall now proceed to draw certain important conclusions from the whole, and then submit a few cursory observations to the consideration of the public.

It may be deemed ridiculous in any man to suppose, that a far-distant country will be long kept in peaceable subjection by any other ties than justice, humanity and convenience. Even ancient Rome, when she was mistress of the world, could not, with all her armies, secure the peaceable submission of any distant provinces, and particularly those of Asia, under a rapacious and oppressive government. By no means, but such as are attractive of good-will, can hundreds keep themselves in security against millions, nor will any supposed difference in the natural, or acquired vigour of mind or body, warrant opinions of safety against such odds in numbers.

After perusing the several cases and accounts of transactions which are contained or referred to in the preceding chapters, the reader will hardly entertain a doubt, whether the mere will of power has not been the sole rule of justice in Bengal, either with respect to dominion, property, personal safety, or the infliction of punishments next to death? or whether the President and Council, or whatever kind of junto has of late years been appointed to rule at Calcutta, by the Court of Directors in London, have not there exercised such unbounded despotism as was wholly incompatible with the laws of this kingdom, those of humanity, or such as would be thought intolerable even in Turkey or Barbary?

It can no longer be doubted, that the pretence of governing Bengal by a *Nabôb*, under a *Great Mogul*, is a most scandalous imposition, those puppets of sovereignty being no other than pensioned instruments of imposture and tyranny: while the annual charge upon the revenue for the support of those pageants in sway, has at one time been above a million sterling; though perhaps those deductions from the Company's income have been made, in no inconsiderable degree, a fund in reversion for the private purses of the governing Europeans in those countries: and while the wretched, innocent natives, bereft of every

protection from the justice of their own country, have thereby also been effectually deprived of their indisputable right of appeal to the laws of this kingdom, against the ruling servants of the Company or those dependent on them.

It has been clearly made evident, that for the last six years past very oppressive monopolies have been established by the chief servants of the Company in Bengal and its dependencies; so that not only the whole of the inland trade, which was ever free by the constitution of those countries to all who would pay the established duties, but even the very coasting trade, in many particulars, have alike been made jobs, and partially engrossed, to the obstruction and injury of the many, for the enormous advantage of the few; that the monopoly of the inland trade, as now exercised on account of the Company itself, is become the most grievous and oppressive of all others, as it is under the sanction of their purchases, that all oppressions in this department are effected; that such monopolies exclude even the very natives from all free trade, whose situations are rendered the more insupportable, as the very public regulations made for the establishment of those ruinous monopolies, are pretended to be made for their benefit. It is true, that some appearance of freedom in exports has always been preserved in the subjected Bengal provinces: but yet there have been such obstructions and embarrassments in dealings, and such monopolizing of workmen, as long ago occasioned great complaints to be made by the French, Dutch and Danes. The causes of them still exist, to the great grievance of the people, and the no less injury of the country; while some of the known consequences of those evils have been, the loss of foreign trade on the back-parts of the provinces, from which great wealth was formerly derived to them; the lessening of a similar resource from the trade of the other disgusted companies, and so great a scarcity of money in circulation, as, if the draughts from thence for China and the other parts of India be continued, will soon leave those provinces in want of a sufficiency of specie to serve even as a medium for dealings.

Nor less apparent has it been made, that power, law and justice, as well as trade, all operate as monopolies in Bengal; by which means the manufactories are going to destruction, and population is decreasing, to the great lessening of the revenues of those countries; while the very revenues have been so mismanaged, wasted, or misapplied, as to make even the possession of empire menace the Company with distress, if not ruin.

Equally certain has it been made appear, that every principle of true policy has been inverted in practice, not only to the unspeakable injury

of

of the natives, but the effectual discouragement, nay ruin of European settlers: though on the most ample protection of the former all prosperity must depend, as security will, in a great measure, on the encouragement and increase of the latter. Our first assertion is self-evident; and in some degree the other has been heretofore experienced, when the trading settlers, as well as the civil servants, on several occasions voluntarily took up arms in the cause of the Company. Lord Clive long ago * informed the Court of Directors, that no dependence could ever be placed on the powers of the country for any thing but treachery, and, should a favourable occasion offer for it, the worst of all treatment. And indeed, in future times of war and danger, it may be found impossible for the Company to keep up European forces sufficient for all kinds of service, in the conquered provinces, without promoting the free emigration of British subjects to India.

On the principle of defence, therefore, it would be the highest wisdom in the Company to give every possible encouragement to their fellow subjects at all times to go and settle under their protection in Bengal: as an extensive population that is interested in the defence of a country, must naturally be its most safe and effectual support; as well against foreign invaders, as such natives as may be inclined to revolt. But we have seen the opposite policy, with respect to those countries, uniformly pursued abroad; while the present Directors, contrary to former practice, have adopted a system of even discouraging the emigration of free merchants and free mariners to India; which should we attribute to ignorance, it would be supposing them unqualified for the direction; and if to design, it might be considered as an indirect accusation of their wilfully favouring such monopolies and abuses, as are ever the fruits of the worst kinds of government; nay it might even lead to the supposition, that such abuses could be made the means of serving the purposes of Directors as much at home, as they have been known to do those of their favourite substitutes abroad.

The double governments for Indian affairs, since the acquisition of the important territories which were subdued by the subjects and forces of the state, have been equal absurdities on both sides of the globe. It is even disgraceful to the nation to hold them under such flimsy disguises as pretended grants of official contracts from merely nominal Princes, unknown to, and unacknowledged by every power in the world, except such as make or wish to make the same temporary uses of them, as the English East India Company have done. There is some-

* See AUTHENTIC PAPERS concerning INDIA AFFAIRS, pages 29 to 31, &c.

thing exceſſively ridiculous in the very idea of veſting a body of mere traders with unlimited ſovereign-authority, and ſetting them between the real Sovereign and people of this kingdom, and two mock Sovereigns and the whole people of the Bengal provinces, to play ſecurely their own game of advantage, to the prejudice of all the other parties, unleſs their ſtate pageants in India, who at leaſt get princely incomes by acting farcical characters.

No real ſecurity, either to the Company or kingdom, can ever be derived from nominal Nabôbs, or Moguls: for if their grants have not full force, but are diſputable, they have had immenſe annual ſtipends paid them to no kind of purpoſe: and if the authority they have been made to aſſume be of real efficacy in India, or Europe, then muſt ſuch grants be not only reſumable at pleaſure, but even transferrable at will, and of courſe at any time obtainable by the national rivals or enemies of Great Britain, for pretences to attack her in, or deprive her of ſuch poſſeſſions; whether as territories, farms, official contracts, or employments. Such diſguiſes, therefore, are not more ineffectual than they are dangerous; and could only have been contrived for temporary coverings to deceit and impoſture, though their tranſparency diſcovers apprehenſions that diſgrace the nation, and may furniſh pretences to others for queſtioning that right which would otherwiſe be thought clear.

When the Portugueze acquired their firſt territorial poſſeſſions on the coaſts of India, their Kings ſtiled themſelves, as they continue yet to do, Lords of the commerce and navigation of Ethiopia, Arabia, Perſia, and India: and we know of no nation's ever diſputing thoſe titles, or their right to any territories they had obtained. Innumerable are the inſtances of poſſeſſions gained by conqueſt, and likewiſe even by treachery, that were either never conteſted by other nations, or elſe were reſolutely maintained by power againſt all oppoſition. We well know how the Dutch and Spaniards got their poſſeſſions in Aſia and America, and likewiſe how ſpeedily they enjoyed them in peace, with an undiſputed title of right. By whatever means the Eaſt Indian provinces were obtained by the Company, they now are indiſputably the Property of the State: and as there is no perſon in India who can claim them as his right, ſo is there no power in Europe which has any right to diſpute His Majeſty's title to them both by conqueſt and peaceable poſſeſſion. The political eſtabliſhment in Bengal, in the year 1765, was therefore as unneceſſary, as it has ſince been experienced to prove pernicious; and certainly, if continued, it will be found ineffectual for the purpoſes pretended: and the affected fears with regard to foreign powers,

powers, on the avowal of English Sovereignty over the conquered provinces, which were then so industriously infused into the minds of Directors, were evidently as groundless and idle as they most probably were insincere.

With regard to any apprehensions that might be entertained concerning the effect likely to be produced by the Sovereign's avowal of his right to those dominions, and taking the administration of their Government under his immediate care, on constitutional considerations of endangering public liberty by such an addition to crown-influence; the same reasoning will hold good against all future establishments from new discoveries; and if it had been formerly admitted, this nation would not now have been in possession of its North American and West Indian Colonies, with the immense advantages resulting from them.

The Sovereign of Great Britain is now an Asiatic Potentate, more capable perhaps of annoying or protecting than any other Power of the East; so that His present objects should be far superior to those of merely supporting the monopoly of any particular community of traders, who perhaps are no longer necessary for serving even the ends for which they were incorporated. The question now is not simply, if an incorporated exclusive Company can carry on the trade to and from the East Indies to greater national advantage than the whole subjects of Great Britain at large? but it comprehends another, which is, if one, two, or at most three men (for it is well known there always is such a junto of leaders in the Committee of Correspondence) from among twenty-four Directors annually chosen, who are moreover embarrassed with their own as well as the Company's commercial affairs can, at the same time, govern or conduct the Sovereignty of large wealthy and populous kingdoms, at such a distance, to greater national security and advantage than the King, Lords and Commons of Great Britain?

Without entering into a discussion of the first question, upon which, after the numberless tracts that have been published for an hundred and fifty years past, nothing new can now be said, we will however venture to assert, that with respect to Bengal every argument in favour of that monopoly, which was formerly used with some * appearance of reason, while

* The reasoning of Sir Josiah Child upon this subject, to whose Opinions on Trade some have justly given great weight, was as follows;

"It has for many years been a moot case, whether any incorporating of merchants be for "public good or not.

"For my own part I am of opinion,

"1st. That for countries with which his Majesty has no alliance, nor can have any by reason of "their distance, or barbarity, or non communication with the Princes of Christendom, &c.

"where

while the trade thither depended upon the country powers of Hindostan, not only falls to the ground now that the English are become Sovereigns, but militates with double force against the continuance of such exclusive trade to those subjected countries, where perhaps it would not only be right to lay the trade open to all British subjects, but likewise politic, under certain limitations, to encourage as much as possible even the ships of all other European nations to frequent those Indian ports. But whatever may be the sentiments of individuals on this point, with respect to the second question, it will be generally granted, that a commercial country with a despotic Sovereign who is the only merchant, as is, in fact, the present condition of Bengal, must be in a situation the reverse of prosperity, that of swift approach to ruin: and if it be admitted, that all resources which this nation can hope to reap from those subjected dominions, must depend entirely on their prosperity, it will then follow that there is become an absolute necessity for the British legislature to separate the Merchant from the Sovereign, for the preservation of both.

" where there is a necessity of maintaining forces and forts. (such as East India and Guinea)
" Companies of Merchants are absolutely necessary.

" 2d. It seems evident to me, that the greatest part of those two trades ought, for public good, " to be managed by joint stock.

" 3d. It is questionable to me, whether any other Company of Merchants are for the public " good, or hurt.

" 4th. I conclude, however, that all restrictions of trade are nought; and, consequently, that no " Company whatsoever, whether they trade in a joint stock, or under regulation, can be for " public good, except it may be easy for all or any of his Majesty's subjects to be admitted " into all or any of the said Companies, at any time, for a very inconsiderable fine; and that " if the fine exceed 20 l. including all charges of admission, it is too much."

Discourse of Trade, Chap. III.

Such was the reasoning of even Sir Josiah Child, who having for several years been Governor of the East India Company, must be supposed to have been as favourable to the cause of the monopoly as any present Leader of the Company naturally would be. But from Sir Josiah's conduct in the management of the Company's affairs, there is farther reason to conclude he was not the most impartial of judges upon this point. In the year 1691, upon the death of Sir John Child (a relation of Sir Josiah's) a Mr. John Vaux succeeded to the Government of Bombay. Mr. Vaux had been book-keeper in England to Sir Josiah Child, and by the influence of his patron had been appointed judge in civil affairs: when Sir Josiah, after reminding him of favours, admonished him to practise severity towards all those who should dare to question the Company's power over English subjects in India; adding, that he expected *his orders* should be observed and obeyed as laws. To which Mr. Vaux replying, that he, grateful for all past favours, would strive to acquit himself with integrity and justice, resolving the laws of his country should be the regulators of his conduct, Sir Josiah angrily answered him, " That he expected *his orders* were to be rules to him; and not the laws of England, " which were a heap of nonsense, compiled by a few country gentlemen, who hardly knew how " to make laws for the good government of their own private families, much less for the regulating ' of companies and foreign commerce."—" I am the more particular" (continues our Author) " in ' this account, because I saw and copied both those letters *in anno* 1696, when Mr. Vaux and I were ' prisoners at Surat, on account of Captain Every's robbing the Mogul's great ship called *The ' Gunsway.*" *See* Alexander Hamilton's *Account of the* East Indies, vol. I. page 232, &c. printed in 1727.

2 When-

Whenever justice and personal security are made effectual, by an equitable administration of Government *throughout* the Bengal provinces, the immense capitals of many of the Indians, which are now locked up, will be all immediately and openly employed in commerce, to the great benefit of those countries, and, eventually, of this kingdom. There would be soon no want of money to answer all the honest purposes of the husbandman, the manufacturer, the dealer, or the merchant: so that instead of having the wonderful powers of those countries cramped and rendered useless, and in danger of being ruined or lost, as must otherwise soon be the case, an ample field would be opened for the most strenuous exertions of all human abilities, which would soon put those provinces on the most flourishing footing, to the great advantage of the British State.

Such laws as are requisite for those salutary purposes, a mere monopolizing Company can never have power to make, nor perhaps ever will have the vigour or inclination effectually to execute.

Whatever lures the Directors may now hold out to the nation, in applications for a new charter of justice, and other pretended salutary regulations, by which they would appear to atone for past misconduct, it may be proper to recollect, what the effects proved of their obtaining the last charter of justice; as we may from thence conclude, with respect to another, that under the pretence of remedying one defect, a thousand new evils will be introduced. Even the chief servants of the Company abroad, while things are suffered to remain on their present footing, will be continually infusing into the minds of temporary Directors at home opinions that are erroneous, on the view of favouring such schemes as they will be continually contriving for the serving of themselves. We do not mean here to condemn promiscuously all the servants of the Company abroad, among whom there are some Gentlemen of the greatest honour and integrity; but that does not invalidate our general conjecture, which is justified by the experience of what has past of late years. Nothing therefore but the establishment, by Parliament, of the strongest constitutional checks on the executive power in Bengal, can ever secure to the natives, or to those who settle there under British protection, an equitable and honourable Administration of Government.

It is a fact well known abroad, that the late minister of France, the Duke de Choiseul, gave up as totally overset, all his schemes regarding the East Indies, upon his first hearing a report, current in the year 1768, that the Crown of Great Britain was going to take into its hands the government of the territorial possessions held by the English East India

India Company. It was the only thing the French then dreaded; it is the thing which they now most wish to see delayed, till they have an opportunity of striking *a coup d'éclat* in those regions: and it is the only measure which can secure the happiness of the many millions of his Majesty's Asiatic subjects; the ample resources which might, by proper management, be drawn from thence, in an uninterrupted channel, for ages to this nation, or even the possession of the very territories themselves, or of any advantage whatsoever from those possessions.

Whatever may be determined by the wisdom of the British legislature, the following powers, as exercised by the Company in Bengal, it is humbly conceived, must be taken from them, to prevent their destroying themselves.

First. The power of obstructing, perverting, influencing, or interfering with the due course of justice.

Second. The assumed power, in all cases, of seizing their fellow-subjects, and of imprisoning, and transporting them to Europe without trial, or any form of legal process.

Third. All powers of oppression through the pretended country-Nabôbs; and under their cloke of obstructing, fettering and monopolizing the inland trade *in* Bengal; which is no way requisite for the carrying on of their exclusive trade *to and from* India, in an equitable and beneficial manner, but on the contrary, is totally repugnant thereto.

Fourth. The power of preventing any British subject whomsoever from going to reside or establish himself in India, who is desirous thereof, and willing to submit to the laws of the community.

To effect in part, the first and third of these salutary restrictions, without which the inhabitants can never be secure either in person or property, the following are submitted to the consideration of the public, as hints of what will be necessary.

1st. To render the Mayor's Court of Calcutta totally independent of the Governor and Council.

2d. A Court of Appeals to be established, independent either of the Governor and Council, or any other power in India.

3d. A certain number of the members of the Court of Appeals, of the Mayor's Court, and of the Company's Council, to be constituted Justices of the Peace and Joint Commissioners of Oyer and Terminer and General Gaol Delivery.

4th. Not to confine the jurisdiction of his Majesty's Courts, as at present, within the *Marahtah* Ditch which surrounds Calcutta, but to

to extend it at least to all the Company's principal factories at Burdwan, Midnipore, Chittigong, Dacca, Patna, Cossimbazár, &c. where the natives should have the same facility of obtaining justice against European oppressors or their agents, as in the capital settlement of Calcutta.

Notwithstanding what interested persons may alledge, in order to baffle this last most necessary regulation, that it would introduce confusion, and be impracticable, from the religious tenets and customs of the natives, we assert that there would be no confusion or inconvenience whatever from it, provided some very simple regulations were made, such as neither East India Directors, nor the Legislators of this Kingdom can want information of, whenever they are seriously inclined to establish a right system of justice for the government of Bengal.

The inhabitants, who, as we have observed, are groaning under the most unbounded despotism, would receive any such regulations with the utmost joy: and it may rationally be hoped, that those we have already hinted at would at least put a stop to the most hurtful enormities, till the British government could be enabled to judge of their efficacy, or have time to form a system, suitable to their own wisdom, that might prove as lasting and effectual as could rationally be expected from any human institution.

The *second* power we have mentioned, as assumed by the Company, would naturally be abolished by the regulations already recommended. But in order to prevent this species of kidnapping in India, which has been hitherto practised by the Company, under the pretended sanction of the legislature, something more is necessary.

By an act of the 31st of Charles the Second, entitled, "*An act for* "*the better securing the liberty of the subject, and for prevention of* "*imprisonments beyond the seas,*" it was enacted, that "if any *inhabitant of England* should be seized, imprisoned, transported, or sent a prisoner into any places beyond the seas, contrary to that act, every such imprisonment should be adjudged illegal, and the party aggrieved might thereupon maintain an action, or actions of false imprisonment, against the person or persons who so imprisoned him, or against any person or persons that should frame, contrive, write, seal, or countersign any warrant or writing for such commitment, detainer, imprisonment, or transportation; or should be advising, aiding, or assisting in the same, or any of them; and the plaintiff, in every such action, should have judgment to recover his *treble costs*, besides *damages;* which damages so to be given, it is enacted, shall *not* be less than *five hundred pounds*. In which action, no delay, stay, or stop of proceeding, by

by rule, order, or command, nor no injunction, protection, or privilege whatsoever, nor any more than one imparlance shall be allowed, excepting such rule of the court wherein the action shall depend, made in open court, as shall be thought in justice necessary, for special cause to be expressed in the said rule. And *the person or persons who shall knowingly frame, contrive, write, seal, or countersign* any warrant for such commitment, detainer or transportation, or shall so commit, detain, imprison, or transport any person or persons contrary to this act, *or be any ways advising, aiding or assisting therein*, being lawfully convicted thereof, *shall be disabled from thenceforth to bear any office of trust or profit within the said realm of England, or any of the dominions thereunto belonging. And shall incur and sustain the pains, penalties and forfeitures limited, ordained and provided in and by the statute of provision and præmunire, made in the sixteenth year of King Richard the Second, and be incapable of any pardon from the King, his heirs or successors, of the said forfeitures, losses, or disabilities, or any of them.*" And it is well known, that the 43d article of MAGNA CHARTA runs thus. "No freeman shall be taken, nor imprisoned, nor disseized, nor outlawed, nor exiled, nor destroyed in any manner; nor will we pass upon him, nor condemn him, but by lawful judgment of his peers, or by the law of the land."

While such, therefore, continues to be the avowed practice of the East India Company in opposition to the letter and spirit of the fundamental laws of this country, it would appear that Britons who go out to India in their service, and who should rather on that account be entitled to every indulgence, on the contrary are made to forfeit the privileges of their birthright by such emigration. The losses and hardships suffered by a subject seized *in India* and brought away by force, and the bad consequences thereof to the community, from what we have already shewn, must be allowed to be an hundred-fold greater than those sustained by a person's being kidnapped *in England*. We have also in another place shewn, that the use of this power is even contrary to the true interests of the Company, as the free exercise of the British laws in India must be the best check, and perhaps is the only controling power which they want, or can have over their own superior servants. There is therefore, for the sake of public credit and security, not only a necessity for formally declaring all such seizures and transportations illegal, but for establishing such legal penalties and forfeitures, upon the plan of the act already quoted, as shall effectually prevent such oppressions in future: and it is presumed the British legislature, after being acquainted with the enormities practised in Bengal, as set forth in these pages, will be willing to withdraw

their pretended ſanction from ſuch practice, and to declare their diſapprobation of the Company's ſeizing, impriſoning, tranſporting and ruining their fellow-ſubjects, *unaccuſed* and *unheard.*

The *fourth* power poſſeſſed by the Company, which is that of preventing Britiſh ſubjects from going out and eſtabliſhing themſelves in India, is alſo alike unneceſſary, and repugnant to the real intereſts of the ſubjected countries and this kingdom. Inſtead of preventing or diſcouraging Europeans, on the contrary, every encouragement ſhould be given to them to go out and eſtabliſh themſelves in India, as well for their being the moſt natural ſecurity of the conquered countries, as for the inſtruction of the natives in the European arts, in the cultivation and manufacturing of all the articles produced in thoſe countries, in almoſt every one of which there is room for great improvements by ſuch means. The Company ſhould, therefore, either be deprived of this power totally, or at leaſt be obliged, without the power of a negative, to permit every perſon's going out who ſhall apply for leave, under certain equitable regulations.

The foregoing are only conſiderations and hints, which the writer of theſe ſheets, as a ſincere well-wiſher to this Kingdom, hath preſumed reſpectfully to ſubmit to the public, to be improved on by thoſe who may know better than himſelf what is fitting to be done. It is now the turn of Great Britain to avail herſelf of thoſe advantages which a ſeries of fortunate circumſtances have thrown in her way. She has as yet in her poſſeſſion the prime part of Hindoſtân, which, with proper management, might be rendered the richeſt jewel in the Britiſh Crown, by being made an inexhauſtible ſource of extenſive commerce, maritime power and national wealth. She has in full view before her, the rocks on which her predeceſſors have ſplit in India, the imminent dangers to which ſhe is at preſent expoſed; and perhaps ſhe has no time to loſe in preparing to eſcape them.

It does not require the gift of prophecy to foretell, if the affairs of the Company in India, but particularly in Bengal, continue to be adminiſtered for a few years longer in the manner they have been for ſome years paſt, that thoſe countries will be irretrievably ruined, and the exaſperated natives muſt ſeek their own relief or revenge, by inſurrections and maſſacres. If therefore the Legiſlature ſhould longer with-hold their effectual protection and paternal care from the oppreſſed Aſiatics, they will hazard all the reſources which Bengal at preſent may be ſaid to offer to this Kingdom: and if the Proprietors of Eaſt India Stock ſhould refuſe their effectual and hearty concurrence in every ſalutary meaſure for the relief of the native inhabitants, they will juſtly deſerve to

ſuffer

suffer the loss of such of their property as depends on the trade and possession of the Bengal Provinces.

Were there even a possibility of the Interests of the India Company and the Happiness and Prosperity of the Natives of those countries which are under their dominion being repugnant to each other, the advantages derived from the connection would be of very short duration. Humanity must revolt at the thought: The Honour of this Country never can consent, for the paltry consideration of a short-lived pecuniary emolument, to effect the devastation of such rich and fertile countries, and the extirpation or ruin of so many millions of civilized, inoffensive and industrious inhabitants; or to sacrifice those solid and permanent advantages which might be derived to this country from a proper System of Government.--------Thus much is due from the Writer to those Distressed People, to whose unrestrained industry he chiefly owed that Fortune, of which he has been deprived by the Oppression of the East India Company.

APPENDIX.

N° I.

COPY of a Treaty between Colonel Robert Clive, on the part of the English East India Company, and Serajah al Dowlah, Nabob of Bengal, in February 1757.

Signed MUNSUR AL MULUK SERAJAH AL DOWLAH SHAH KULY KHAWN BAHADER HYBUT JUNG, Servant of King ALLUM GUEER the Invincible.

LIST OF DEMANDS.

1. That the Company be not molested upon account of such Privileges as have been granted them by the King's firmaun and husbulhookums, and the firmaun and husbulhookums remain in full Force. That the villages * which were given to the Company by the firmaun, but detained from them by the Subahdars, be likewise allowed them; nor let any impediment or restriction be put upon the Zemindars.

Agreed to according to the tenor of the firmaun.

2. That all goods belonging to the English Company, and having their dustuck, do pass freely by land or water in Bengal, Bahar, and Orissa, without paying any duties or fees of any kind whatsoever; and that the Zemindars, Chokeydars, Guzerbauns, &c. offer them no kind of molestation upon this account.

It is agreed to.

3. That restitution be made the Company of their factories and settlements at Calcutta, Cossimbazar, Dacca, &c. which have been taken

* This means thirty-seven villages contiguous to Calcutta, which the Company applied to the Emperor Furrukhseer, in 1716, for *Liberty to purchase* from the Zemindars. They were not given to the English by that Emperor, but it was only allowed them to purchase the same: however, the Zemindars in Jaffier Khawn's time would not part with them, and they were at last mostly wrested from them by fraud and violence.

from them. That all money and effects taken from the English Company, their factors and dependents, at their several settlements and aurungs, be restored in the same condition. That an equivalent in money be given for such goods as are damaged, plundered, or lost, which shall be left to the Nabob's justice to determine.

Whatever has been seized by the Government shall be restored.

4. That the Company be allowed to fortify Calcutta in such a manner as they shall esteem proper for their defence, without any hindrance or obstruction.

It is agreed to.

5. That siccas be coined at Allenagore (Calcutta) in the same manner as at Murshedabâd, and that the money struck in Calcutta be of equal weight and fineness with that of Murshedabâd. There be no demand made for a deduction of batta.

It is agreed, that bullion imported by the Company be coined into siccas.

6. That these proposals be ratified in the strongest manner, in the presence of God and his Prophet, and signed and sealed to by the Nabob and some of his principal people.

In the presence of God and his Prophet, these articles are signed and sealed.

7. And Admiral Charles Watson and Colonel Clive promise in behalf of the English nation, and of the English Company, that from henceforth all hostilities shall cease in Bengal, and the English will always remain in peace and friendship with the Nabob, as long as these articles are kept in force, and remain unviolated.

On condition that an agreement under the Company's seal, and signed by the Company's Council, and sworn to according to their religion, be sent me; I agree to the articles which I have countersigned.

Signed AEZ AL MULUK MORAD AL DOWLAH NOWARISH ALLY KHAWN BAHADER ZAOOER JUNG, a Servant of King ALLUM GUEER the Invincible.

MEER JAFFIER KHAWN BAHADER, a Servant of King ALLUM GUEER the Invincible.

RAJAH DOOLUBRAM BAHADER, a Servant of King ALLUM GUEER the Invincible.

Witness, Mohindar Narrain, *Canongo.*

Witness, Lucki Narrain, *Canongo.*

Agreement

Agreement of the Company, ſigned by the Governor and Committee, the 9th February 1757.

We the Eaſt India Company, in the preſence of his Excellency the Nabob Munſur al Muluk Serajah al Dowlah Shah Kuly Khawn Bahader Hybut Jung, Nazim of Bengal, Bahar, and Oriſſa, by the hands and Seal of the council; and by firm agreement and ſolemn atteſtation, do declare, That the buſineſs of the Company's factories within the juriſdiction of the Nabob ſhall go on in its former courſe: that we will never oppreſs or do violence to any perſons without cauſe: that we will never offer protection to any perſons having accounts with the government, any of the King's Talookdars or Zemindars, nor murderers, nor robbers: that we will never act contrary to the tenor of the articles agreed to by the Nabob: that we will carry on our buſineſs as formerly; and will never, in any reſpect, deviate from this agreement.

Agreement of Colonel Clive with the Nabob, the 7th February 1757.

I Colonel Clive, Sabut Jung Bahader, Commander of the Engliſh land forces in Bengal, do ſolemnly declare, in the preſence of God and our Saviour, That there is peace between the Nabob Serajah al Dowlah and the Engliſh: they, the Engliſh, will inviolably adhere to the articles of the treaty made with the Nabob: that, as long as he ſhall obſerve his agreement, the Engliſh will always look upon his enemies as their enemies; and, whenever called upon, will grant him all the aſſiſtance in their power.

No II.

Copies of perwanahs from Serajah al Dowlah, Nabob of Bengal, granted to the Eaſt India Company, for erecting a mint at Calcutta, and for the currency of their buſineſs; with a copy of the Nabob's duſtuck, dated in March 1757.

Perwanah for duſtucks from Serajah al Dowlah, dated 9th of the Moon Rajeb.

The Engliſh Company's goods have been carried backward and forward by land and water, always through the provinces of Bengal, Ba-

 har,

har, and Orissa, by the dustuck and seal of the said Company, by virtue of the King's firmaun, which is also now confirmed by me. Take care, on no pretence to interrupt their carrying their goods backwards and forwards through all the chokeys whatsoever, and not to demand any ghatbarry, mangon, &c. according the King's firmaun. Let them pass and repass without receiving a single cowrie from any of their people; and *interfere not with the English Company's gomastahs on any acccount*, but rather take care, that through all your districts their business be not obstructed in any way.

Fifteen perwanahs of the same tenor and date were granted under the seal of the Nabob Serajah al Dowlah to the Rajahs and Zemindars.

Perwanah under the seal of Nabob Munsur al Muluk Serajah al Dowlah Bahader Hybut Jung, dated 9th of Rajeb (31st March 1757) in the 3d year of the glorious reign Mohunlol.

All goods belonging to the English Company, which by virtue of the royal mandate used to pass and repass with the said Company's dustucks, by land or water, through the province of Bengal, Bahar, and Orissa, I have at this time granted a free currency to, in the same manner, and with the same privileges as formerly: it is necessary that your Excellency write to the officers at Dacca, Chittigong, Jugdea, Akbarnagur, Silhett, Rangamatty, Chilmary, and Mahmudabad Purnea, that they suffer the same goods to pass up and down the rivers without any molestation or imposition of ghatbarry (a tax laid upon boats) or any other articles forbidden by the royal court; nor exact the smallest sum from them, nor any ways oppress the Company's gomastahs or dependents. Let them be punctual in this dustuck.

Under the seal of the Nabob Serajah al Dowlah, &c. dated (about the 9th March 1757) 17th Jemmade Sauni, the 3d year of the King's glorious reign.

To all Fowzdars, Zemindars, Chokeydars, and overseers of the way of the provinces of Bengal, Bahar, and Orissa.

All goods belonging to the English Company, which by virtue of the royal mandate used to pass and repass through the foregoing provinces, by land and water, with the Company's dustucks, I have at this time granted a free currency to, in the same manner as formerly, and with the confirmation of their former privileges. Let all goods, having the English

English Company's dustuck, pass as before, up and down the river, without any molestation or imposition of ghatbarry, or any other articles forbidden by the royal court; nor exact the smallest sum from them, nor oppress the Company's dependents. In this be punctual, and act conformably to this writing.

Perwannah of the Nabob Serajah al Dowlah to the Honourable Company, for erecting a mint in Calcutta.

From the date of the first of the moon Shaban, the fourth sun siccas are begun to be stampt, and through all the mint-houses the new siccas of the fourth sun are coined. Take care and erect a mint in Calcutta (called Allenagore) and stamp gold and silver rupees out of the bullion and gold imported by your nation, of the weight of rupees of gold and silver coined at Murshedabâd, under the name of Allenagore (Calcutta) shall you coin your money, it shall pass for land revenues, &c. and nobody will ask or set any batta upon them; only take care not to coin the gold and silver of other nations.

N° III.

Copy of a Treaty between Colonel Robert Clive, on the Part of the English East India Company, and Meer Jaffier Ally Khawn, upon the Colonel's placing that officer in the Nabobship of Bengal in June 1757.

I swear by God and the Prophet of God, to abide by the terms of this treaty whilst I have life *.

Signed MEER MAHOMED JAFFIER KHAWN BAHADER, Servant to King ALLUM GUEER.

1. Whatever articles were agreed upon in the time of peace with the Nabob Serajah al Dowlah Munsur al Muluk Shah Kuly Khawn Bahader Hybut Jung, I agree to comply with.

2. The enemies of the English are my enemies, whether they be Indians or Europeans.

* These words were wrote in his own hand.

3. All

3. All the effects and factories belonging to the French in the province of Bengal (the Paradise of Nations) and Bahar, and Orissa, shall remain in the possession of the English, nor will I ever allow them any more to settle in the Three Provinces.

4. In consideration of the losses which the English Company have sustained by the capture and plunder of Calcutta by the Nabob, and the Charges occasioned by the maintenance of the forces, I will give them one crore of rupees.

5. For the effects plundered from the English inhabitants at Calcutta, I agree to give fifty lacks of rupees.

6. For the effects plundered from the Gentoos, Mussulmen, and other subjects of Calcutta, twenty lacks of rupees shall be given.

7. For the effects plundered from the Armenian inhabitants of Calcutta, I will give the sum of seven lacks of rupees. The distribution of the sums allotted the natives, English inhabitants, Gentoos, and Mussulmen, shall be left to the Admiral and Colonel Clive (Sabut Jung Bahader) and the rest of the Council, to be disposed of by them to whom they think proper.

8. Within the ditch which surrounds the borders of Calcutta are tracts of land belonging to several Zemindars; besides this, I will grant the English Company six hundred yards without the ditch.

9. All the land lying south of Calcutta, as far as Culpee, shall be under the Zemindary of the English Company, and all the officers of those parts shall be under their jurisdiction. The revenues to be paid by them (the Company) in the same manner with other Zemindars.

10. Whenever I demand the English assistance, I will be at the charge of the maintenance of them.

11. I will not erect any new fortifications below Hoogly, near the river Ganges.

12. As soon as I am established in the government of the Three Provinces, the aforesaid sums shall be faithfully paid. Dated 15th Ramzan, in 4th year of the reign.

Additional Article.

13. On condition that Meer Jaffier Khawn Bahader shall solemnly ratify, confirm by oath, and execute all the above articles, which the under-written on behalf of the Honourable East India Company do, declaring on the holy Gospels, and before God, that we will assist Meer Jaffier Khawn Bahader with all our force, to obtain the subahship of the provinces of Bengal, Bahar, and Orissa; and further that we will assist him to the utmost

utmost against all his enemies whatever, as soon as he calls upon us for that end; provided that he, on his coming to be Nabob, shall fulfil the aforesaid articles.

Nº IV.

Copy of the General Sunnud from the Nabob Meer Jaffier Ally Khawn, for the currency of the Company's business, and relative to the mint, dated 15th July 1757.

To all Mutseddees, present or future, all Naibs, Fowzdars, Zemindars, Chowdrys, Canongos, &c. Servants of the government in the provinces of Bengal, Bahar, and Orissa.

Know, that by the royal firmaun and husbulhookums the English Company are pardoned (Maaf exempt) from all Duties; therefore I write,

That whatever goods the Company's gomastahs may bring or carry to or from their factories, the aurungs, or other places, by land or by water, with a dustuck from any of the chiefs of their factories, you shall neither ask nor receive any sum, however trifling, for the same. Know, they have full power to buy and sell; you are by no means to oppose it; you are not to require from the Company's gomastahs, the mangons, or any other of the Zemindar's impositions.

The Company's gomastahs shall buy and sell the Company's goods *without the intervention of dallals*, unless the gomastahs are satisfied to employ them; you are to assist them on all occasions wherever they buy or sell. Whoever acts contrary to these orders, *the English have full power to punish them.* If any of the Company's goods are stolen, you are to recover the very effects stolen, or make good their amount. Any merchants or others, on whom the Company have any lawful demands, you are to see that the same be paid to their gomastahs. Take care that no one wrong or oppress the Company's gomastahs. You are not to require or stop their boats on pretence of the ghatbarry or other duties on boats, whether they be the Company's own boats, or boats hired by their gomastahs; you are to give credit to the copies of all the sunnuds to the Company under the Kâzy's seal, without requiring the original. Any of the Company's debtors running from them, you are not to give them protection or plead for them, but are to deliver them up to the Company's gomastahs. The Fowzdary-charges, &c. impositions

ſitions of the Fowzdars, which are forbid by the King, you ſhall not demand of the Engliſh, their gomaſtahs, or inhabitants. Whenever the Engliſh Company deſire to ſettle a new factory, beſides thoſe they are already poſſeſſed of in the provinces of Bengal, Bahar, and Oriſſa, you are to give them *forty begahs of the King's land.* If any of the Engliſh ſhips are driven by bad weather or wrecked in any of the ports or other places, you are to aſſiſt them all in your power, and ſee that the goods are reſtored to the Company; and you are not to require the *Choutarry*, &c. which the King has forbid.

A mint is eſtabliſhed at Calcutta; coin ſiccas and gold mohurs of equal weight and fineneſs with the ſiccas and gold mohurs of Murſhedabàd. They ſhall paſs in the King's treaſury.

All that I have wrote muſt be done; do as I have wrote, nor aſk a new ſunnud every year. The 27th of the Moon Showall, and 4th of the King's reign, being the 15th of the month of July 1757.

No V.

Copy of a Perwanah from the Nabob Meer Jaffier Ally Khawn, for the currency of gold and ſilver coined in the Company's mint at Calcutta. Dated the 28th July 1757.

To the High and Mighty, the bold and valiant Commanders, the greateſt of Merchants, the Engliſh Company, on whom may the King's favour reſt for ever.

A mint has been eſtabliſhed at Calcutta; continue coining gold and ſilver into ſiccas and mohurs of the ſame weight and ſtandard with thoſe of Murſhedabàd; the impreſſion to be *Calcutta*; they ſhall paſs current in the provinces of Bengal, Bahar, and Oriſſa, and be received into the treaſury; there ſhall be no obſtruction or difficulty for *Cuſſore*——Under the ſeal of Fidvee Allum Gueer Badſha Gazee, Sujah al Muluk Hoſſam ô Dowla, Meer Mahomed Jaffier Khawn Bahader Mahabut Jung, 11th Zilcade, 4th of the King's reign.

No VI.

Copy of a perwanah from the Nabob Meer Jaffier Ally Khawn, dated the 20th December 1757, relative to the Zemindary of the lands south of Caclutta, granted to the Company by the treaty with the said Nabob.

Perwanah for the granted lands.

Seal of the Nabob Jaffier Ally Khawn.

1170. ALLUM GUEER, Emperor, fighting for the Faith, his devoted MEER MAHOMED JAFFIER ALLY KHAWN BAHADER SHUJAH AL MULUCK HOSSAM O DOWLA MAHABUT JUNG.
Anno 4.

Ye Zemindars, Chowdrys, Talookdars, Muckaudums, Recayahs, Morsawreans, Mootawettawahs, of the Chucklahs of Hoogly, and others situated in Bengal, the terrestrial Paradise.-----Know, that the Zemindary, Chowdrawy, and Talookdarry of the countries in the subjoined list, hath been given by treaty to the most illustrious and most magnificent the English Company, the glory and ornament of trade. The said Company will be careful to govern according to established custom and usage without any gradual deviation, and watch for the prosperity of the people. Your duty is, to give no cause of complaint to the Recayahs of the Company, who on their part are to govern with such kindness, that husbandry may receive a daily increase, that all disorders may be suppressed, drunkenness and other illicit practices prevented, and the imperial tributes be sent in due time. Such part of the abovesaid country as may be situated to the west of Calcutta, on the other side of the Ganges, does not belong to the Company. Know then, ye Zemindârs, &c. that ye are dependents of the Company, and that ye must submit to such treatment as they give you, whether good or bad; and this is my express injunction.

Twenty-four Mahals.

The Purgunnah of - - - - - -	Magurah.
Ditto - - - - - - - - - -	Khaffpoor.
Ditto - - - - - - - - - -	Medonmul.
Ditto - - - - - - - - - -	Ektiarpoor.

The Purgunnah of - - - - - - Burridgehatty.
Ditto - - - - - - - - - - Azimabad.
Ditto - - - - - - - - - - Muragaſſa.
Ditto - - - - - - - - - - Peechacooly.
Part of the Purgunnah of - - - Shahpoor.
Shah Nagur.
Part of the Purgunnah of - - - Ghur.
The Purgunnah of - - - - - Kary Jurry.
Ditto - - - - - - - - - Duccan Sagor.
Part of the Purgunnah of - - - Calcutta.
Part of the Purgunnah of - - - Paikan.
Part of the Purgunnah of - - - Munpoor.
Part of the Purgunnah of - - - Ameerabad.
Part of the Purgunnah of - - - Mahomed Ameerpoor.
Saltpans, or - - - - - - - Mellung Mahal.
The Purgannah of - - - - - - Hattiagur.
Ditto - - - - - - - - - Meida.
Part of the Purgunnah of - - - Akbarpoor.
Part of the Purgunnah of - - - Bellia.
Part of the Purgunnah of - - - Buſſindarry.

Dated the * 5th of Rabbi al Sauni, *anno quarto.*

(In the Nabob's own hand, ſerving by way of ſign manual.) It is written *Finis.*

(In Maha Rajah Doolubram's own hand, as Naib) *Seen.*

(In Rajah Raage Bullub's own hand, as Huſſoor Neviſe) the 5th of Rabbi ul Sauni, *anno quarto.* Regiſtered in the imperial regiſter.

(In Rajah Cunjoo Beharree's own hand, as Dewan of Bengal) the 5th of Rabbi al Sauni, *anno quarto.* Regiſtered in the Dewannee regiſter.

N° VII.

Copy of the Mutchulcah, or obligatory bond, given by the Company upon their being appointed Zemindars of the lands ſouth of Calcutta, dated

We the Engliſh Company do declare, That whereas the office of the Zemindary of the Kiſmut Purgunnah of Calcutta, &c. of the Sircar Sautgaum, &c. belonging to the Paradiſe of Nations, the Subah of Bengala,

* About the 20th Dec. 1757.

in

in consideration of the sum of twenty thousand one hundred and one rupees (20,101) peshcush, &c. to the Imperial Sircar, from the month Poos (anno 1164) in the year eleven hundred and sixty-four of the Bengal æra, has been conferred on us, to the end that we attend to the rules and customs thereof as is fitting, nor in the least circumstance neglect or withhold the vigilance and care due thereto; that we deliver into the treasury in the proper times, the due rents of the Sircar; that we behave in such manner to the inhabitants and lower sort of people, that by our good management the said purgunnahs may flourish and encrease; that we suffer no robbers nor housebreakers to remain within our districts, and take such care of the king's highways, that the travellers and passengers may pass and repass without fear or molestation; that (which God forbid) if the effects of any person be plundered or stolen, we discover and produce the robbers or thieves, together with the goods, and deliver the goods to the owners, and the criminals to condign punishment, or else that we ourselves be responsible for the said goods.—That we take especial care, that no one be guilty of any crime or drunkenness within the limits of our zemindary: that after the expiration of the year we take a discharge according to custom, and that we deliver the accounts of our zemindary agreeable to the stated forms every year, into the Dufter Khana of the Sircar; and that we refrain from demanding the articles forbidden by the Imperial Court, the asylum of the world.

For this reason we have given this writing as a mutchulcah and agreement, that upon any occasion recourse may be had thereto.

Nº VIII.

Copy of a treaty between Meer Mahomed Cossim Ally Khawn, and the English East India Company, on their deposing of Meer Jaffier, and making Meer Cossim Nabob of Bengal. Dated the 27th September 1760.

Company's Seal. MEER MAHOMED COSSIM KHAWN BAHADER's Seal.

Two treaties have been written of the same tenor and reciprocally exchanged, containing the articles under mentioned, between Meer Mahomed

homed Coffim Khawn Bahader, and the Nabob Shums o Dowla, Governor Vanfittart, and the reft of the council for the affairs of the Englifh Company, and during the life of Meer Mahomed Coffim Khawn Bahader, and the duration of the factories of the Englifh Company in this country, this agreement fhall remain in force. God is witnefs between us, that the following articles fhall in no wife be infringed by either Party.

First Article. The Nabob Meer Mahomed Jaffier Khawn Bahader fhall continue in poffeffion of his dignities, and all affairs be tranfacted in his name, and a fuitable income fhall be allowed for his expences.

Second Article. The Neabut of the Subahdaree of Bengal, Azimabad (the capital of Bahar, commonly called Patna) and Oriffa, &c. fhall be conferred by his Excellency the Nabob on Meer Mahomed Coffim Khawn Bahader; he fhall be vefted with the adminiftration of all affairs of the provinces, and after his Excellency he fhall fucceed to the government.

Third Article. Betwixt us and Meer Mahomed Coffim Khawn Bahader, a firm friendfhip and union is eftablifhed, his enemies are our enemies, and his friends are our friends,

Fourth Article. The Europeans and Telengas of the Englifh army fhall be ready to affift the Nabob Meer Mahomed Coffim Khawn Bahader in the management of all affairs; and in all affairs dependent on him, they fhall exert themfelves to the utmoft of their abilities.

Fifth Article. For all charges of the Company and of the faid army and provifions for the field, &c. the Lands of Burdwan, and Midnipore, and Chittigong, fhall be affigned, and funnuds for that purpofe fhall be written and granted. The Company is to ftand to all loffes, and receive all the profits of thefe three countries, and we will demand no more than the three affignments aforefaid.

Sixth Article. One half of the chunam (or lime) produced at Silhett for three years, fhall be purchafed by the gomaftahs of the Company, from the people of the government, at the cuftomary rate of that place. The tenants and inhabitants of thofe diftricts fhall receive no injury.

Seventh Article. The balance of the former Tunkhaw fhall be paid according to the kiftbundee (or account of ftated payments) agreed upon with the Royroyan; the jewels which have been pledged fhall be received back again.

Eighth Article. We will not allow the tenants of the Sircar to fettle in the lands of the Englifh Company, neither fhall the tenants of the Company be allowed to fettle in the lands of the Sircar.

Ninth

Ninth Article. We will give no protection to the dependents of the Sircar in the lands or in the factories of the Company, neither shall any protection be given to the dependents of the Company in the lands of the Sircar; and whosoever shall fly to either party for refuge, shall be delivered up.

Tenth Article. The measures for war or peace with the Shahzada, (meaning the Prince Ally Gohar) and raising supplies of money, and the concluding both these points, shall be weighed in the scale of reason, and whatever is judged expedient shall be put in execution, and it shall be so contrived by the joint councils, that he be removed from this country, nor suffered to get any footing in it. Whether there be peace with the Shahzada, or not, our agreements with Meer Mohamed Cossim Khawn Bahader, we will (by the name of God) inviolably observe, as long as the English Company's factories continue in this Country. Dated the * 17th of the Month Seffer in the 1174th Year of the Hegira.

N° IX.

Copies of the Sunnuds given by the Nabob Meer Mahomed Cossim Ally Khawn, to the Company, *granting* them the provinces of Burdwan, Midnipore, and Chittigong, or Islamabad: also the chunam (or lime) produced at Silhett for three years.

Sunnud under the seal of the Nabob Nasser al Mulück Imteaz ô Dowlah Nesserat Jung, Meer MAHOMED COSSIM KHAWN BAHADER.

To the Zemindars, Canongoes, Talookdars, Tenants, Husbandmen, and Chiefs of the villages of the purgunnah of Burdwan, &c. the zemindary of the Rajah Tilluckchund, in the districts of the Subah of Bengal. Be it known, that whereas divers wicked people have traiterously stretched forth their hands to plunder the subjects and waste the royal dominions; for this reason, the said purgunnah, &c. is granted to the English Company, in part for disbursements of their expences, and the monthly maintenance of five hundred European horse,

* Or 27th September 1760.

two

two thousand European foot, and eight thousand seapoys, which are to be entertained for the protection of *the royal dominions*; let the above officers quietly and contentedly attend and pay to the persons appointed by the English Company, the stated revenues, and implicitly submit in all things to their authority. And the office of the collector of the English Company is as follows: *They shall continue the Zemindars and Tenants in their places*, regularly collect the revenues of the lands, and deliver them in monthly for the payment of the expences of the Company, and the pay of the above-mentioned forces, that they may be always ready, cheerfully and vigorously to promote the affairs of the King. Let this be punctually observed.

Dated the 4th of the moon Rabbi al Awvul, 1st sun, answering to the 1st of the month Cartic, 1176, Bengal stile.

N. B. The Sunnuds for the Chucklah of Midnipore, in the districts of the Subah of Orissa, and for the Tanna of Islamabad or Chittigong appertaining to the Subah of Bengal, are worded as the above.

Sunnud under the seal of the Nabob Nasser al Muluck, &c.

To the Daroga of chunam (or lime) and to the Naib of Silhett. Be it known, That whereas the English Company are constructing a fort in Calcutta, and meet with great obstacles in finishing that work, in the want of stone chunam; for this reason it is ordered, that of whatever quantity of chunam is produced at that place, one half (the price thereof being received agreeably to the rate of that place) be delivered to the gomastahs of the English Company for the term of three years, that no delays may be occasioned in finishing the fort aforesaid; and the other half is to be sent for the Sircar. Let this be punctually observed.

Dated the 4th of the moon Rabbi al Awvul, 1st sun, answering to the 1st of the month Cartic, 1176, Bengal stile.

N° X.

N° X.

Copy of a treaty between the English East-India Company and Meer Jaffier Ally Khawn, on their reinstating him in the nabobship of Bengal. Dated the 10th July 1763.

The Company's large seal. The seal of the Nabob, Meer Mahomed Jaffier Khawn Bahader Mahabut Jung, &c.

Articles of a treaty and agreement between the Governor and Council of Fort William on the part of the English East India Company, and the Nabob Shujah al Muluck Hossam ô Dowlah, Meer Mahomed Jaffier Khawn Bahader Mahabut Jung.

On the part of the Company.

We engage to reinstate the Nabob, Meer Mahomed Jaffier Khawn Bahader, in the subahdaree of the provinces of Bengal, Bahar, and Orissa, by the deposal of Mahomed Cossim Khawn, and the effects, treasure, jewels, &c. belonging to Meer Mahomed Cossim Khawn, which shall fall into our hands, shall be delivered up to the Nabob aforenamed.

On the part of the Nabob.

First. The treaty which I formerly concluded with the Company upon my accession to the nizamut, engaging to regard the honour and reputation of the Company, their Governor and Council, as my own, granting perwanahs for the currency of the Company's business; the same treaty I now confirm and ratify.

Secondly. I do grant and confirm to the Company, for defraying the expences of their troops, the Chuclahs of Burdwan, Midnipore, and Chittigong, which were before ceded for the same purpose.

Thirdly. I do ratify and confirm to the English the privilege granted them by their firmaun and several husbulhookums, of carrying on their trade by means of their own dustuck, free from all duties, taxes, or impositions in all parts of the country, excepting the article of salt, on which a duty of $2\frac{1}{2}$ per cent. is to be levied on the Rowana or Hoogly market price.

Fourthly.

Fourthly. I give to the Company half the salt petre which is produced in the country of Purnea, which their gomastahs shall send to Calcutta. The other half shall be collected by my Fowzdar, for the use of my offices; and I will suffer no other person to make purchases of this article in that country.

Fifthly. In the Chucklah of Silhett for the space of five years, commencing with the Bengal year 1170, my Fowzdar and the Company's gomastah shall jointly prepare chunam, of which each shall defray half the expences; and half the chunam so made shall be given to the Company, and the other half shall be for my use.

Sixthly. I will maintain twelve thousand horse and twelve thousand foot in the three provinces. If there should be occasion for more, the number shall be increased by consent of the Governor and Council proportionably to the emergency. Besides these, the forces of the English Company shall always attend me when they are wanted.

Seventhly. Wherever I shall fix my court, either at Murshedabâd or elsewhere, I will advise the Governor and Council; and what number of English forces I may have occasion for in the management of my affairs, I will demand them, and they shall be allowed me; and an English gentleman shall reside with me to transact all affairs between me and the Company; and a person shall also reside on my part at Calcutta, to negociate with the Governor and Council.

Eighthly. The late perwanahs issued by Cossim Ally Khawn, granting to all merchants the exemption of all duties for the space of two years, shall be * reversed and called in, and the duties collected as before.

Ninthly. I will cause the rupees coined in Calcutta to pass in every respect equal to the siccas of Murshedabâd, without any deduction of batta; and whosoever shall demand batta, shall be punished.

Tenthly. I will give thirty lacks of rupees to defray all the expences and loss accruing to the Company from the war and stoppage of their investment; and I will reimburse to all private persons the amount

* By the firmaun granted by the Mogul Furrukhseer to the English, to secure them from the oppressions of subordinate governments, they traded by their dustuck, duty free. Upon the dissolution of the Mogul empire, the provincial government of Bengal also became independent: where the English trade growing extremely extensive, the privileges granted them by the dustuck became a notorious abuse, which in effect made them the monopolizers of all trade, even from the natives of the country. The Nabob Meer Cossim, very sensible that such was the case, and finding it difficult to settle any plan with the English which had not a tendency to oppress his own subjects, abolished all duties for two years. He was soon after deposed; and as this abolition of duties served to put the natives on the same footing of trade with the English Company and their servants, therefore this article of the present treaty was made, that Meer Cossim's perwanahs should be recalled, and that the duties should again be paid by the natives, while the English were exempted.

of

of ſuch loſſes proved before the Governor and Council, as they may ſuſtain in their trade in the country; if I ſhould not be able to diſcharge this in ready money, I will give aſſignments of land for the amount.

Eleventhly. I will confirm and renew the treaty which I formerly made with the Dutch.

Twelfthly. If the French come into the country, I will not allow them to erect any fortifications, maintain forces, hold lands, zemindaries, &c. but they ſhall pay tribute and carry on their trade as in former times.

Thirteenthly. Some regulations ſhall be hereafter ſettled between us, for deciding all diſputes which may ariſe between the Engliſh Agents and Gomaſtahs in the different parts of the country, and my officers.

In teſtimony whereof, we the ſaid Governor and Council have ſet our hands and affixed the ſeal of the Company to one part hereof, and the Nabob aforenamed hath ſet his hand and ſeal to another part hereof, which were mutually done and interchanged, at Fort William, the 10th day of July 1763.

Signed HENRY VANSITTART.
JOHN CARNAC.
WILLIAM BILLERS.
WARREN HASTINGS.
RANDOLPH MARRIOTT.
HUGH WATTS.

Fort William, the 29th December 1763.

A true Copy. JOHN GRAHAM, ſecretary.

No XI.

Copy of the demands made by the Nabob Meer Jaffier Ally Khawn, and agreed to by the Governor and Council, upon the treaty of the 10th of July 1763 (No X.); and alſo copy of the Nabob's agreement to pay the Company 500,000 rupees per month during the war with the Nabob Sujah al Dowlah. Dated the 16th September 1764.

Firſt. I formerly acquainted the Company with the particulars of my own affairs, and received from them repeated letters of encourage-

ment and kindneſs, with preſents: I now make this requeſt, that you will write in a proper manner to the Company, and alſo to the King of England, the particulars of our friendſhip and union, and procure for me writings of encouragement, that my mind may be aſſured from that quarter, that no breach may ever happen between me and the Engliſh, and that every Governor, Counſellor, and Chiefs of the Engliſh that are here, or may hereafter come, may be well diſpoſed and attached to me.

Second. Since all the Engliſh gentlemen aſſured of my friendly diſpoſition to the Company confirm me in the nizamut, I requeſt that to whatever I may at any time write, they will give their credit and aſſent, nor regard the ſtories of deſigning men to my prejudice, that all my affairs may go on with ſucceſs, and no occaſion may ariſe for jealouſy or ill-will between us.

Third. Let no protection be given by any of the Engliſh gentlemen to any of my dependents, who may fly for ſhelter to Calcutta, or other of your diſtricts; but let them be delivered up to me on demand. I ſhall ſtrictly enjoin all my Fowzdars and Aumils on all accounts to afford aſſiſtance and countenance to ſuch of the gomaſtahs of the Company as attend to the lawful trade of their factories; and if any of the ſaid gomaſtahs ſhall act otherwiſe, let them be checked in ſuch a manner as may be an example to others.

Fourth. From the neighbourhood of Calcutta to Hoogly, and many of their pergunnahs bordering upon each other, it happens that on complaints being made, people go againſt the Talookdars, Ryots, and Tenants of my country, to the prejudice of the buſineſs of the Sircar; wherefore let ſtrict orders be given that no perſons be ſent from Calcutta on the complaints of any one upon my Talookdars or Tenants; but on ſuch occaſions let application be made to me or the Naib of the fowzdary of Hoogly, that the Company may be ſubject to no loſs or devaſtations. And if any of the traders who belonged to the Buckſbunder and Azimgunge, and have ſettled in Calcutta, ſhould be deſirous of returning to Hoogly, and carrying on their buſineſs there as formerly, let no one moleſt them. Chandernagore and the French factory were *preſented to me by Colonel Clive*, and given by me in charge to Ameer Beg Khawn, for this reaſon let ſtrict orders be given that no Engliſh gentlemen exerciſe any authority therein, but that it remain as formerly under the juriſdiction of my people.

Fifth. Whenever I demand any forces from the Governor and Council for my aſſiſtance, let them be immediately ſent to me, and no demand made on me for their expences.

The

The demands of Nabob Sujah al Muluck Hoſſam ô Dowlah, Meer Mahomed Jaffier Khawn Bahader Mahabut Jung, we, the Preſident and Council of the Engliſh Company, do agree, and ſet our hands to, in Fort William, the 10th July 1763.

Signed HENRY VANSITTART.
WILLIAM BILLERS.
JOHN CARTIER.
WARREN HASTINGS.
RANDOLPH MARRIOTT.
HUGH WATTS.

Copy of the Nabob Jaffier Ally Khawn's note for payment of five lacks per month, for expences of the Company's troops during the war with Sujah al Dowlah. Dated 16th September 1764.

The Nabob Meer Mahomed Jaffier Ally Khawn's note for five lacks of rupees per month, for the expences of the army.

Account of money ſettled for the expences of the Europeans and ſeapoys, the artillery, and the raiſing of the cavalry, which ſhall be paid a month ſooner or later according to the particulars under mentioned, from the beginning of the month Sophar (31ſt July 1764) of the 5th year of the reign, till the removal of the troubles with the Vizier; viz.

In the province of Bengal, at Murſhedabâd - -	300,000
In the province of Bahar, at Patna - -	200,000
Total, rupees	500,000

Written the 19th of Rabbi al Awvul, the 5th year of the Jaloos *.

N. B. I will include in the aforeſaid ſum, whatever balance may be due from me on account of my former agreement with the Company.

A true Copy.

W. MAJENDIE, ſecretary.

* 16th September 1764.

N° XII.

Copy of the Petition, or Proposals made by the Prince Ally Gohar, otherwise called THE KING, or THE EMPEROR *Shah Allum*, to Major Hector Munro, then Commander of the Company's troops at Banaras; as inclosed in a letter from the Major to the Governor and Council at Calcutta. Dated 22d November 1764.

If this country is to be kept, put me in possession of it, and leave a small detatchment of the troops with me, *to show that I am protected by the English*, and they shall be at my expence, that if any enemy come any time against me, I will make such connections in the country that with my own troops, and the aforementioned small detachment, will defend the country, without any further assistance from the English, *and I will pay them of the revenues of the country what sum they shall demand yearly.* If the English will contrary to their interest make peace with the Vizier, I will go to Dehly, for I cannot think of returning again into the hands of a man who has used me so ill. I have no friends I depend on more than the English; their former behaviour to me will make me ever respect and regard them; now is their time to be in possession of a country abounding with riches and treasure; *I shall be satisfied with whatever share they please of it.* The Rohillas were always enemies to the imperious Vizier, they are all my friends.

N° XIII.

Copy of the Articles sent on the 6th December 1764, by the Governor and Council of Calcutta, to be executed by the Prince Ally Gohar, in the character of EMPEROR; as enclosed for that purpose to Major Hector Munro, Commander in chief of the army.

In consideration of the assistance and fidelity of the English Company, which has freed us from the inconveniencies we laboured under, and strengthened the foundations of THE EMPIRE which God has given us, we have been graciously pleased *to grant* to the English Company *our royal favours* according to the following articles, which shall remain firm both at present and in future.

As

As the English Company have been put to a great expence, and their affairs exposed to danger, by the war with the Nabob Sujah al Dowlah, unjustly and *contrary to our royal pleasure* waged against them; we have therefore assigned to them the country of Ghazipore, and the rest of the zemindary of Bulwant Sing, belonging to the nizamut of the Nabob Sujah al Dowlah; and the regulation and government thereof, *we have given* to their disposal, in the same manner as it was in the Nabob Sujah al Dowlah's. The aforesaid Rajah having settled terms with the Chiefs of the English Company, is, according thereto, to pay the revenues to the Company; and the amount shall not belong to *the books of the royal revenue*, but shall be expunged from them. The army of the English Company having joined *our standard, shall put us in possession* of Illahabad, and the rest of the countries belonging to the nizamut of the Nabob Sujah al Dowlah, and the revenues, excepting those of Rajah Bulwant Sing's zemindary, shall be in our entire management and disposal.

As the English Company will be at a further expence in putting us in possession of Illahabad, and the rest of the nizamut of the Nabob Sujah al Dowlah, we will therefore, as we get possession, grant to them out of *our treasury* such a proportion of the revenues as the exigencies of our affairs will admit of; and when we are put in full possession, we will reimburse the whole expences of the Company in this business from the time of their joining our royal standard.

N° XIV.

Copy of the IMPERIAL GRANT, or Firmaun of THE EMPEROR *Shah Allum; granting* to the Company the zemindary of Ghazipore, Banaras, &c. held by the Rajah Bulwant Sing. Dated 29th December 1764.

As the English Company have been put to a great expence, and their affairs exposed to danger by the war which the Nabob Sujah al Dowlah unjustly and contrary to our royal pleasure waged against them; we have therefore assigned to them the country of Ghazipore, and the rest of the zemindary of Rajah Bulwant Sing, belonging to the nizamut of the Nabob Sujah al Dowlah, and the regulations and government thereof we have given to their disposal, in the same manner as it was in the Nabob Sujah al Dowlah's. The aforesaid Rajah having settled terms with the Chiefs of the English Company, is, according thereto, to pay the revenues to the Company.

The

The army of the English Company having joined our ſtandard, ſhall put us in poſſeſſion of Illahabad and the reſt of the countries belonging to the nizamut of the Nabob Sujah al Dowlah, and the revenues, excepting thoſe of Rajah Bulwant Sing's zemindary, ſhall be in our entire management and diſpoſal.

It becomes the Company to ſhew their grateful ſenſe of *our royal favours*, and to exert themſelves to the utmoſt in the proper management and regulation of the country, to encourage and befriend our ſubjects, to puniſh the contentious and expel the rebellious from their territories. They muſt uſe their beſt endeavours to promote the welfare of our people, the ryots and other inhabitants, to prohibit the uſe of things of an intoxicating nature, and ſuch as are forbidden by the law of God; in driving out enemies, in deciding cauſes, and ſettling matters agreeably to the rules of Mahomed and the law of the empire, ſo that the inhabitants may apply themſelves, with peace of mind and ſatisfaction, to the cultivation of the country and exerciſe of other their profeſſions, and that the weak may not labour under oppreſſion and violence.——— They will conſider theſe as our ſtrict injunctions.

Written on the 4th day of Rejub *, the 6th year of the reign. — Fort William, 6th February 1765.

A true Copy of the tranſlation,

W. MAJENDIE, ſecretary.

Nº XV.

Copy of a Treaty between the Engliſh Eaſt India Company and Najim al Dowlah, on their inveſting him with the Nabobſhip of Bengal, upon the death of his father Meer Jaffier Ally Khawn. Dated 25th February 1765.

Articles of a treaty and agreement concluded between the Governor and Council of Fort William, on the part of the Engliſh Eaſt India Company, and the Nabob Najim al Dowlah.

On the part of the Company.

We the Governor and Council do engage to ſecure to the Nabob Najim al Dowlah, the Subahdary of the provinces of Bengal, Bahar,

* 29th December 1764.

and

and Orissa, and to support him therein with the Company's forces against all his enemies. We will also, at all times, keep up such force as may be necessary, effectually to assist and support him in the defence of the provinces; *and as our troops will be more to be depended on than any the Nabob can have, and less expensive to him, he need therefore entertain none* but such as are requisite for the support of the civil officers of *his government*, and the business of *his collections* through the different districts.

We do further promise, that, in consideration the Nabob shall continue to assist in defraying the extraordinary expences of the war now carrying on against Sujah al Dowlah, with five lacks of rupees per month, which was agreed to by his father, that whatever sums may be hereafter received of THE KING on account of our assistance afforded in the war shall be repaid to the Nabob.

On the part of the Nabob.

In consideration of the assistance which the Governor and Council have agreed to afford, in securing to me the succession in the Subahdary of Bengal, Bahar, and Orissa, heretofore held by my father, the late Nabob Meer Jaffier Ally Khawn, and supporting me in it against all my enemies, I do agree and bind myself to the faithful performance of the following articles.

1st. The treaty which my father formerly concluded with the Company upon his first accession to the nizamut, engaging to regard the honour and reputation of the Company, and of their Governor and Council, as his own, and granting perwanahs for the currency of the Company's trade, the same treaty, as far as is consistent with the articles hereafter agreed to, I do hereby ratify and confirm.

2d. Considering the weighty charge of government, and how essential it is for myself, for the welfare of the country, and for the Company's business, that I should have a person who has had experience therein to advise and assist me, I do agree to have one fixed with me, with the advice of the Governor and Council, in the station of *Naib Subah*, who shall accordingly have, immediately *under me*, the chief management of all affairs; and as Mahomed Reza Khawn, the Naib of Dacca, has in every respect my approbation, and that of the Governor and Council, I do further agree, that this trust shall be conferred on him; and I will not displace him *without the approbation* of those gentlemen: and in case any alteration in this appointment should hereafter appear adviseable, that Mahomed Reza Khawn, provided he has acquitted

acquitted himself with fidelity in his administration, shall, in such case, be reinstated in the Naibship of Dacca, with the same authority as heretofore.

3d. The business of the collections of the revenues shall, under the Naib Subah, be divided into two or more branches, as may appear proper: and as I have the fullest dependence and confidence on the attachment of the English, and *their regard to my interest and dignity*, and am desirous of giving them every testimony thereof, I do further consent, that the appointment and dismission of the Mutseddees of those branches, and the allotment of their several districts, shall be with the approbation of the Governor and Council. *And, considering how much men of my rank and station are obliged to trust* to the eyes and recommendations of the servants about them, and how liable to be deceived, it is my further will, that the Governor and Council shall be at liberty *to object and point out to me when improper people are intrusted, or where my officers and subjects are oppressed*, and I will pay a proper regard to such representations, that my affairs may be conducted with honour, my people every where be happy, and their grievances be redressed.

4th. I do confirm to the Company, as a fixed resource for defraying the ordinary expences of their troops, the Chucklahs of Burdwan, Midnipore, and Chittigong, in as full a manner as heretofore ceded by my father. The sum of five lacks of sicca rupees per month for their maintenance, was further agreed to be paid by my father; I agree to pay the same out of my treasury, whilst the exigency for keeping up so large an army continues. When the Company's occasions will admit a diminution of the expences they are put to, on account of those troops, the Governor will then relieve me from such a proportion of this assignment, as the increased expences incurred by keeping up the whole force necessary for the defence of the provinces will admit of; *and as I esteem the Company's troops* entirely equal thereto and *as my own*, I will only maintain such as are immediately necessary for the dignity of *my person and government*, and the business of *my collections* through the provinces.

5th. I do ratify and confirm to the English the privilege granted them by their firmaun and several husbulhookums of carrying on their trade by means of their own dustuck, free from all duties, taxes, or impositions in all parts of the country, excepting in the article of salt, on which a duty of $2\frac{1}{2}$ per cent. is to be levied on the rowana, or Hoogly market price.

6th. I give to the Company the liberty of purchasing half the saltpetre produced in the country of Purnea, which their gomastahs shall

send

ſend to Calcutta: the other half ſhall be collected by my Fowzdar for the uſe of my offices: and I will ſuffer no other perſons to make purchaſes of this article in that country.

7th. In the Chucklah of Silhett, for the ſpace of five years, commencing with the Bengal year 1171, my Fowzdar, and a gomaſtah on the part of the Company, ſhall jointly provide chunam; of which each ſhall defray half the expence, and half the chunam ſo made ſhall be given to the Company.

8th. Although I ſhould occaſionally remove to other places in the provinces, I agree that the books of the Sircar ſhall be always kept, and the buſineſs conducted at Murſhedabâd, and that ſhall, as heretofore, be the ſeat of my government. And wherever I am, I conſent that an Engliſh gentleman ſhall reſide with me to tranſact all affairs between me and the Company; and that a perſon of high rank ſhall alſo reſide on my part at Calcutta, to negotiate with the Governor and Council.

9th. I will cauſe the rupees coined at Calcutta to paſs in every reſpect equal to the ſiccas of Murſhedabâd, without any deduction of batta; and whoſoever ſhall demand batta, ſhall be puniſhed. The annual loſs on coinage by the fall of batta, on the iſſuing of the new ſiccas, is a very heavy grievance to the country; and after mature conſideration, I will, in concert with the Governor and Council, purſue whatever may appear the beſt method for remedying it.

10th. I will allow no Europeans whatever to be entertained in my ſervice; and if there already be any, they ſhall be immediately diſmiſſed.

11th. The Kiſtbundee for payment of the reſtitution to the ſufferers in the late troubles, as executed by my father, I will ſee faithfully paid; no delays ſhall be made in this buſineſs.

12th. I confirm and will abide by the treaty which my father formerly made with the Dutch.

13th. If the French come into the country, I will not allow them to erect any fortifications, maintain forces, or hold lands, zemindaries, &c. but they ſhall pay tribute, and carry on their trade as in former times.

14th. Some regulations ſhall be hereafter ſettled between us, for deciding all diſputes which may ariſe between the Engliſh gomaſtahs and my officers in the different parts of the country.

In teſtimony whereof, we the ſaid Governor and Council have ſet our hands, and affixed the ſeal of the Company to one part hereof, and the Nabob, before named, has ſet his hand and ſeal to another part.

A true Copy.

W. MAJENDIE, ſecretary.

N° XVI.

Copy of the sunnud from the Nabob Najim al Dowlah, for the reversion, in perpetuity, of Lord Clive's jagueer to the Company. Dated the 23d June 1765.

Be it known to the Counsellors and Chiefs of the English Company, the present and future Mutseddees, the Chowdries, Canongos, Muckaudums, Ryots, Muggaries, and all other inhabitants of the Purgunnahs of Calcutta, &c. in the Sircar of Sautgaum, &c. in the province of Bengal.

The sum of 222,958 rupees and odd, agreeably to the Dewannee sunnud, and the sunnud of the High and Mighty Meer Mahomed Jaffier Khawn, Nazim of the province, has been appointed from the aforesaid pergunnahs, belonging to the Chucklah of Hoogly, &c. in the Sircar of Sautgaum, &c. the Zemindary of the English Company, as an unconditional jagueer to the High and Mighty Lord Clive. Now likewise the said pergunnahs are confirmed as an *unconditional* jagueer to the High and Mighty aforesaid from the 16th of May, of the 1764th year of Christ (answering to the 14th of Zelcada, of the 1177th year of the Hegira) to the 16th May, of the 1774th Year of Christ (answering to the 8th of Rubby al Awvul, of the 1188th year of the Hegira) being ten years, of which one year is expired, and there are nine to come. They shall appertain as an unconditional jagueer to the High and Mighty aforesaid, and after the expiration of this term they shall revert as an unconditional jagueer and perpetual gift to the Company, and if (which God forbid) the High and Mighty aforesaid shall die within this term, they shall revert to the Company immediately upon his death. It is requisite that ye should regard the High and Mighty aforesaid, during the forementioned term, and after him the Company aforesaid as unconditional jagueerdars, and regularly pay them the revenues of the aforesaid pergunnahs.

Written the 23d of June 1765, answering to the 3d of Mohurrum of the 1179th Year of the Hegira.

E. STEPHENSON, Provl. Secry.

N° XVII.

Copy of the new agreement or treaty jointly entered into between the Nabob Najim al Dowlah, the Nabob Sujah al Dowlah, THE EMPEROR SHAH ALLUM, and Lord Clive and the Secret Committee of Calcutta; upon the latter's revoking all former treaties, and new modelling the affairs of the Company, by assuming the Dewannee. Dated the 16th August 1765.

(Sealed and approved by THE EMPEROR.)

Whereas the Right Honourable Robert Lord Clive, Baron Clive of Plaffey, Knight, Companion of the moſt Honourable Order of the Bath, Major General and Commander of the Forces, Preſident of the Council, and Governor of Fort-William, and of all the ſettlements belonging to the united Company of Merchants of England trading to the Eaſt Indies, in the provinces of Bengal, Bahar, and Oriſſa; and John Carnac, Eſquire, Brigadier General, Colonel in the ſervice of the ſaid Company, and commanding Officer of their forces upon the Bengal eſtabliſhment, *are inveſted with full and ample powers*, on the behalf of his Excellency the Nabob Najim al Dowlah, Subahdar of Bengal, Bahar, and Oriſſa, and likewiſe on behalf of the united Company of Merchants of England trading to the Eaſt Indies, to negotiate, ſettle, and finally to conclude a firm and laſting peace with his Highneſs the Nabob Sujah al Dowlah, Vizier of the Empire: Be it known to all thoſe to whom it may or ſhall in any manner belong, that the above-named plenipotentiaries have agreed upon the following articles with his Highneſs.

1ſt. A perpetual and univerſal peace, ſincere friendſhip, and firm union ſhall be eſtabliſhed between his Highneſs Sujah al Dowlah and his heirs, on the one part, and his Excellency Najim al Dowlah, and the Engliſh Eaſt India Company, on the other, ſo that the ſaid contracting powers ſhall give the greateſt attention to maintain between themſelves, their dominions, and their ſubjects, this reciprocal friendſhip, without permitting, on either ſide, any kind of hoſtilities to be committed from henceforth for any cauſe, or under any pretence whatſoever; and every thing ſhall be carefully avoided, which might hereafter prejudice the union now happily eſtabliſhed.

2d. In caſe the dominions of his Highneſs Sujah al Dowlah ſhall at any time hereafter be attacked, his Excellency Najim al Dowlah and the Engliſh Company, ſhall aſſiſt him with a part or the whole of their

forces, according to the exigency of his affairs, and so far as may be consistent with their own security; and if the dominions of his Excellency Najim al Dolawh, or the English Company, shall be attacked, his Highness shall in like manner assist them with a part or the whole of his forces; in the case of the English Company's forces being employed in his Highness's service, the extraordinary expence of the same is to be defrayed by him.

3d. His Highness solemnly engages never to entertain or receive Cossim Ally Khawn, the late Subahdar of Bengal, &c. Sumroo the assassin of the English, nor any of the European deserters within his dominions, nor to give the least countenance, support, or protection to them: he likewise solemnly engages to deliver up to the English whatever Europeans may in future desert from them into his country.

4th. The King, Shah Allum, shall remain in full possession of Cora, and such part of the province of Illahabad as he now possesses, which are *ceded to his Majesty* as a royal demesne for the support of his dignity and expences.

5th. His Highness Sujah al Dowlah engages, in the most solemn manner, to continue Bulwant Sing in the Zemindaries of Banaras, Ghazipore, and all those districts he possessed at the time he came over to the late Nabob Jaffier Ally Khawn and the English, on condition of his paying the same revenue as heretofore.

6th. In consideration of the great expence incurred by the English Company in carrying on the late war, his Highness agrees to pay them (fifty) 50 lacks of rupees, in the following manner, viz. (twelve) 12 lacks in money, and a deposit of jewels, to the amount of eight lacks, upon the signing of this treaty; (five) 5 lacks one month after, and the remaining (twenty-five) 25 lacks by monthly payments, so as that the whole may be discharged in (thirteen) 13 months from the date hereof.

7th. It being firmly resolved to restore to his Highness the country of Banaras, and the other districts now rented by Bulwant Sing, notwithstanding *the grant of the same from* THE KING to the English Company; it is therefore agreed, that they shall be ceded to his Highness in manner following, viz. They shall remain in the hands of the English Company with their revenues, till the expiration of the agreement between the Rajah Bulwant Sing and the Company, being on the 27th November next; after which his Highness shall enter into possession, the fort of Chunar excepted, which is not to be evacuated until the 6th article of this treaty be fully complied with.

8th. His Highness shall allow the English Company to carry on a trade, duty-free, throughout the whole of his dominions.

9th. All

9th. All the relations and ſubjects of his Highneſs, who in any manner aſſiſted the Engliſh during the courſe of the late war, ſhall be forgiven, and no ways moleſted for the ſame.

10th. As ſoon as this treaty is executed, the Engliſh forces ſhall be withdrawn from the dominions of his Highneſs, excepting ſuch as may be neceſſary for the garriſon of Chunar, or for *the defence and protection of* THE KING in the city of Illahabad, if his Majeſty ſhould require a force for that purpoſe.

11th. His Highneſs the Nabob Sujah al Dowlah, his Excellency the Nabob Najim al Dowlah, and the Engliſh Company, promiſe to obſerve ſincerely and ſtrictly all the articles contained and ſettled in the preſent treaty; and they will not ſuffer the ſame to be infringed, directly or indirectly, by their reſpective ſubjects; and the ſaid contracting powers generally and reciprocally guarantee to each other all the ſtipulations of the preſent treaty.

CLIVE [L. S.]
JOHN [L. S.] CARNAC.
SUJAH [L. S.] AL DOWLAH's Seal and Ratification.
MIRZA COSSIM KHAWN.
RAJAH SHETABROY.
MEER MASHA ALLAH.

Signed, ſealed, and ſolemnly ſworn to, according to their reſpective faiths, by the contracting parties at Illahabad, this 16th day of Auguſt, in the year of our Lord 1765, in the preſence of us,——

EDMUND MASKELYNE,
ARCHIB. SWINTON,
GEORGE VANSITTART.

Fort-William, September 30th 1765.
A true Copy.

ALEXANDER CAMPBELL.
S. S. C.

N° XVIII.

Copy of the General Firmaun from THE EMPEROR, SHAH ALLUM, *granting* to the Company the Dewannee of Bengal, Bahar, and Oriſſa. Dated 12th Auguſt 1765.

At this happy time our royal firmaun, indiſpenſably requiring obedience, is iſſued, That whereas, in conſideration of the attachments and ſervices

ſervices of the High and Mighty, the Nobleſt of exalted Nobles, the Chief of illuſtrious Warriors, *our faithful ſervants* and ſincere well-wiſhers, worthy of our royal favours, the Engliſh Company, *we have granted them* the Dewannee of the provinces of Bengal, Bahar, and Oriſſa, from the beginning of the Fuſſul Rubby of the Bengal year 1172, as a free gift and ultumgau, without the aſſociation of any other perſon, and with an exemption from the payment of the cuſtoms of the Dewannee, which uſed to be paid to the court; it is requiſite that the ſaid Company *engage to be ſecurity* for the ſum of twenty-ſix lacks of rupees a year, for our royal revenue, which ſum *has been appointed from the Nabob*, Najim al Dowlah Bahader, and regularly remit the ſame to the royal Sircar; and in this caſe, as the ſaid Company are obliged to keep up a large army for the protection of the provinces of Bengal, &c. we have granted to them whatſoever may remain out of the revenues of the ſaid provinces, after remitting the ſum of twenty-ſix lacks of rupees to the royal Sircar, and providing for the expences of the nizamut: it is requiſite that our royal deſcendents the Viziers, the beſtowers of dignity, the Omrahs, high in rank, the great officers, the Mutſeddees of the Dewannee, the managers of the buſineſs of the Sultanut, the Jagueerdars and Croories, as well the future as the preſent, uſing their conſtant endeavours for the eſtabliſhment of this our royal command, leave the ſaid office in poſſeſſion of the ſaid Company, from generation to generation, for ever and ever; looking upon them to be inſured from diſmiſſion or removal, they muſt on no account whatſoever give them any interruption, and they muſt regard them, as excuſed and exempted from the payment of all the cuſtoms of the Dewannee, and royal demands. Knowing our orders on the ſubject to be moſt ſtrict and poſitive, let them not deviate therefrom.

Written the 24th of Sophar, of the 6th year of the Jaloos *.

Contents of the Zimmun.

Agreeably to the paper which has received our ſign-manual, our royal commands are iſſued, that in conſideration of the attachment and ſervices of the High and Mighty, the Nobleſt of exalted Nobles, the Chief of illuſtrious Warriors, our faithful ſervants and ſincere well-wiſhers, worthy of our royal favours, the Engliſh Company, we have granted them the Dewannee of the provinces of Bengal, Bahar, and Oriſſa, from the beginning of the Fuſſul Rubby of the Bengal year 1172, as a free

* The 12th Auguſt 1765.

gift

gift and ultumgau, without the association of any other person, and with an exemption from the customs of the Dewannee, which used to be paid to the court, on condition of their being security for the sum of twenty-six lacks of rupees a year, for our royal revenue; which sum has been appointed from the Nabob Najim al Dowlah Bahader; and after remitting the royal revenue, and providing for the expences of the nizamut, whatsoever may remain we have granted to the said Company.

The Dewannee of the province of Bengal.
The Dewannee of the province of Bahar.
The Dewannee of the province of Orissa.

A true Copy.

Fort-William,
30th of September 1765.

ALEX. CAMPBELL,
S. S. C.

N° XIX.

Copy of the Firmaun from THE EMPEROR, SHAH ALLUM, confirming to the English Company the provinces of Burdwan, Midnipore, and Chittigong, and the 24 purgunnahs of Calcutta, &c. before *ceded* to them by the Nabobs, Jaffier Ally Khawn and Cossim Ally Khawn. Dated the 12th August 1765.

At this happy time our royal firmaun, indispensably requiring obedience, is issued, that the Chuclahs of Burdwan, Midnipore, and Chittigong, &c. and also the twenty-four purgunnahs of Calcutta, &c. (the zemindary of the high and mighty, the noblest of exalted nobles, the chief of illustrious warriors, our faithful servants and sincere well-wishers, worthy of our royal favours, the English Company) which were granted to the said Company in the time of Meer Mahomed Cossim and Meer Mahomed Jaffier Khawn, deceased. We, in consideration of the attachment of the said Company, have been graciously pleased to confirm to them, from the beginning of the Fussul Rubby of the Bengal year 1172, as a free gift and ultumgau, without the association of any other person. It is requisite that our royal descendents the Viziers, the bestowers of dignity, the Omrahs, high in rank, the great officers, the Mutseddees of the Dewannee, the managers of the business

bufineſs of the Sultanut, the Jagueerdars and Croories, as well the future as the preſent, uſing their conſtant endeavours for the eſtabliſhment of this our royal command, leave the ſaid diſtricts and purgunnahs in poſſeſſion of the ſaid Company, from generation to generation, for ever and ever; looking upon them to be inſured from diſmiſſion or removal, they muſt on no account whatſoever give them any interruption, and they muſt regard them as excuſed and exempted from the payment of all manner of cuſtoms and demands. Knowing our orders on this ſubject to be moſt ſtrict and poſitive, let them not deviate therefrom.

Written the 24th of Sophar, of the 6th Year of the Jaloos*.

Contents of the Zimmun.

Agreeably to the paper which has received our ſign-manual, our royal commands are iſſued, that the Chuclahs of Burdwan, Midnipore, and Chittigong, &c. and alſo the twenty-four purgunnahs of Calcutta, &c. (the zemindary of the Engliſh Company) which were granted to the ſaid Company in the time of Meer Mahomed Coſſim, and Meer Mahomed Jaffier Khawn, deceaſed, be confirmed to the ſaid Company, as a free gift and ultumgau, without the aſſociation of any other perſon.

Chuclah of Burdwan.
Chuclah of Midnipore.
Chuclah of Chittigong.

The twenty-four purgunnahs of Calcutta, &c. the Zemindary of the Engliſh Company.

Fort-William, September 30th 1765.

ALEXR. CAMPBELL.
S. S. C.

* The 12th Auguſt 1765.

N° XX.

No XX.

Copy of the Firmaun from THE EMPEROR SHAH ALLUM, confirming the Reverſion, in perpetuity, of Lord Clive's Jagueer to the Company. Dated the 12th Auguſt 1765.

Whereas a ſunnud has been preſented to us under the ſeal of the Nabob, Najim al Dowlah Bahader, to the following purport, viz. "The "ſum of 222,958 ſicca rupees and odd, agreeably to the Dewannee "ſunnud, and the ſunnud of the high and mighty Sujah al Muluck "Hoſſam ô Dowlah MEER MOHAMED JAFFIER KHAWN BAHADER, has "been appointed from the Purgunnahs of Calcutta, &c. in the Sircar of "Sautgaum, &c. in the province of Bengal (the Paradiſe of the earth) "the zemindary of the Engliſh Company, as an unconditional jagueer "to the High and Mighty Zubdut al Muluck Nuſſer al Dowlah LORD "CLIVE, Bahader, now likewiſe the ſaid Purgunnahs are confirmed as "an unconditional jaguеer to the High and Mighty aforeſaid, from the "16th May of the 1764th year of the Chriſtian ſtile (anſwering to the "14th of Zelcada of the 1177th year of the hegira) to the expiration "of 10 years, they ſhall appertain as an unconditional jagueer to the "High and Mighty aforeſaid, and after the expiration of this term, "to revert to the Company as an unconditional jagueer and perpetual "gift; and if the High and Mighty aforeſaid ſhould die within the ſaid "term, they ſhall revert to the Company immediately upon his death." And whereas the ſaid ſunnud has met with our approbation at this happy time, therefore our royal firmaun, indiſpenſably requiring obedience, is iſſued; that in conſideration of the fidelity of the Engliſh Company and the High and Mighty aforeſaid, the ſaid jagueer ſtand confirmed agreeably to the aforeſaid ſunnud: it is requiſite that the preſent and future Mutſeddees, the Chowdries, Canongoes, Muckaudums, Ryots, and all other inhabitants of the Purgunnahs of Calcutta, &c. in the Sircar of Sautgaum, &c. regard the High and Mighty aforeſaid during the forementioned term, and after him the Company aforeſaid, as unconditional Jagueerdars, and regularly pay them the revenues of the ſaid Purgunnahs.

Written the 24th Sophar, the 6th year of Jaloos *.

* The 12th Aug. 1765.

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Contents

Contents of the Zimmun.

Agreeably to the paper which has been received, our ſign manual, our royal commands are iſſued, that whereas the ſum of 222,958 ſicca rupees and odd, has been appointed from the Purgunnahs of Calcutta, &c. in the Sircar of Sautgaum, &c. the zemindary of the Engliſh Company, as an unconditional jagueer to the High and Mighty Subdut al Muluck Nuſſer al Dowlah LORD CLIVE Bahader, agreeably to the Dewannee ſunnud, and the ſunnud of the Nazim of the province; in conſideration therefore of the attachment of the High and Mighty aforeſaid, we have been graciouſly pleaſed to confirm to him the ſaid Purgunnahs for the ſpace of ten years, commencing from the 16th May of the 1764th year of the Chriſtian ſtile, or 14th of Zelcada of the 1177th year of the hegira; and in conſideration of the attachment of the Engliſh Company, we have granted the ſaid Purgunnahs to them after the expiration of the aforeſaid term, as an unconditional jagueer and perpetual gift; and if the High and Mighty aforeſaid ſhould die within this term, the ſaid Purgunnahs are to revert immediately to the Engliſh Company.

Fort William, the 30th September 1765.

A true Copy.

ALEX[R] CAMPBELL.
S. S. C.

N° XXI.

Copy of the Firmaun from THE EMPEROR SHAH ALLUM, granting to the Company the Five Northern Sircars of Sicacole, &c. Dated 12th Auguſt 1765.

In theſe happy times, our firmaun, full of ſplendor and worthy obedience, is deſcended, purporting, that whereas Salabat Jung Bahader, Subahdar of the Deccan, conferred the Sircar of Sicacole, &c. on the French Company; and that, *in conſequence of its not being confirmed by*

by us, either by firmaun or otherwiſe, the high, mighty, and glorious Chiefs of the Khawns, choſen of the Omrahs, Seapoy Surdars, truly faithful, worthy of receiving favours and obligations, our invariable and never-failing friends and well-wiſhers, the Engliſh Company, (having ſent a large force for that purpoſe) did expel the French therefrom. We therefore, in conſideration of the fidelity and good wiſhes of the High, Mighty, &c. &c. Engliſh Company, have from *our throne, the baſis of the world*, given them the aforementioned Sircars by way of iniam or free gift (without the leaſt participation of any perſon whatever in the ſame) from the beginning of the Phuſſul of Tuccaucooul, in the year of Phaly 1172, equal to the month of April 1762. It is incumbent therefore upon you, our Sons, Omrahs, Viziers, Governors, Mutſeddees for the affairs of our dewanſhip, Mootecophils for thoſe of our kingdom, Jagueerdars and Croories, both now and hereafter, for ever and ever, to uſe your endeavours in the ſtrengthening and carrying into execution this our moſt high command, and to cede and give up to the above-mentioned Engliſh Company, their heirs and deſcendents, for ever and ever, the aforeſaid Sircars, and eſteeming them likewiſe free, exempt, and ſafe from all diſplacing and removal: by no means whatever, either moleſt or trouble them, on account of the demands of the Dewan's office, or thoſe of our Imperial Court. Looking upon this high firmaun as an abſolute and poſitive order, obey it implicitly. Dated the 24th of the moon Sophar *, in the ſixth year of our reign.

Forms made uſe of on the back of the Firmaun.

From the ſecretary, ſetting forth, that his Majeſty had been pleaſed to ſign a petition, (ſuppoſed to be from the Company) of the ſame date as the firmaun, directing, that whereas Salabat Jung Bahader, Subahdar of the Deccan, conferred the Sircar of Sicacole, &c. on the French Company, and that in conſequence of it's not being confirmed by his Majeſty, either by firmaun or otherwiſe, the High, Mighty, &c. &c. Engliſh Company (having ſent a large force for that purpoſe) did expel the ſaid French therefrom. His Majeſty therefore, in conſideration of the fidelity of the aforeſaid Engliſh Company, has given them (without the participation of any perſon whatever in the ſame) the above-mentioned Sircars by way of iniam or free gift.

* Equal to the 12th Auguſt 1765.

Then follow two orders from the Mogul; the first, supposed to be in his own hand, addressed to his son Mirza Mahomed Acbur Shah Bahader, telling him to comply with the contents of this firmaun; the other, directing that the English Company be under his son's command or in his Resaula. The whole attested under Kazy Inauyet Khawn's seal to be a true copy from the original.

N° XXII.

Copy of the agreement whereby the Right Honourable Robert Lord Clive, on the part of the English East India Company, agrees to pay the King Shah Allum, from the revenues of Bengal, Bahar, and Orissa, the sum of twenty-six lacks, or 325,000 l. per annum, in gratitude for the favours which his Lordship and the Company had received from HIS IMPERIAL MAJESTY. Dated 19th August 1765.

Articles of agreement with his Majesty.

The Nabob Najim al Dowlah agrees to pay to his Majesty out of the revenues of Bengal, Bahar, and Orissa, the sum of 26 lacks of rupees a year, without any deduction for batta, on bills of exchange, by regular monthly payments, amounting to Rs. 216,666 10 9 per month; the first payment to commence from the 1st of September of the present year; and the English Company, in consideration of his Majesty's having been graciously pleased to grant them the dewannee of Bengal, &c. do engage themselves to be security for the regular payment of the same. It shall be paid month by month from the factory of Patna, to Rajah Shetabroy, or whomsoever his Majesty may think proper to nominate, that it may be forwarded by him to the court: but in case the territories of the aforesaid Nabob should be invaded by any foreign enemy, a deduction is then to be made out of the stipulated revenue, proportionably to the damage that may be sustained.

In consideration of Nudjuff Khawn's having joined the English forces, and acted in his Majesty's service in the late war; his Majesty will be graciously pleased to allow him the sum of two lacks of rupees a year, to be paid by equal monthly payments; the first payment to commence from the 1st of September of the present year: and in default thereof, the

the English Company, who are guarantees for the same, will make it good out of the revenue allotted to his Majesty from the territories of Bengal. If the territories of Bengal should at any time be invaded, and on that account a deduction be made out of the royal revenue; in such case a propdrtionable deduction shall also be made out of Nudjuff Khawn's allowance.

Dated the 19th of August 1765.

Fort-William, 30th September 1765.

A true Copy.

ALEX[R] CAMPBELL.
S. S. C.

N° XXIII.

Copy of the Articles of Resignation agreed to in July 1765, whereby the Nabob, Najim al Dowlah, agrees to accept of the sum of 5,386,131 rupees 9 annas, or 673,266 pounds sterling, for the support of *his government and dignity*; because His Imperial Majesty Shah Allum had been pleased to give the revenues of *his nabobship* to the English East India Company.

Agreement with the Nabob made by Mr. Francis Sykes in July 1765. (See his letter to the Secret Committee at Calcutta, dated the 28th July 1765.)

The King having been graciously pleased to grant the English Company the dewannee of Bengal, Bahar, and Orissa, with the revenues thereof, as a free gift for ever, on certain conditions, whereof one is, that there shall be a sufficient allowance out of the said revenues for supporting the expence of the Nizamut; be it known to all whom it may concern, that I do agree to accept of the annual sum of sicca rupees, 5,386,131 9 0 as an adequate allowance for the support of the Nizamut, which is to be regularly paid as follows, viz. the sum of sicca rupees, 1,778,854 1 0 for my household expences, servants, &c. and the remaining sum of rupees 3,607,277 8 0 for the maintenance of such horse, seapoys, peons, Bercundazes, &c. as may be thought necessary for my Sewawry, and the support of my dignity only, should such an expence hereafter be thought necessary to be kept up, but on no

no account ever to exceed that amount; and having a perfect reliance on Maeen al Dowlah, I desire he may have the disbursing of rupees, 3,607,277 8 0 for the purposes before-mentioned.' This agreement, by the blessing of God, I hope will be inviolably observed, as long as the English Company's factories continue in Bengal.

A true Copy.

ALEX. CAMPBELL.
S. S. C.

N° XXIV.

The Memorial of Mr. Thomas Hamilton, to the Honourable the Mayor's Court of Calcutta. Dated 13th June, 1769.

'To the Honourable the Mayor's Court for the town of Calcutta, at Fort-William, Bengal.

The Memorial of Thomas Hamilton of Calcutta, surgeon,

SHEWETH,

That sometime, in or about the month of June last past, the memorialist was a suitor in this honourable court, against Ramababoo, defendant, and employed Mr. Richard Whittall, one of the attornies of this court, as his attorney, to prosecute and maintain the same.

That, in the course of said suit, the memorialist was informed, and did, on very good authority, believe, that the said defendant was going to leave Calcutta, and retire out of the jurisdiction of this honourable court.

That in consequence of such information, the memorialist took the necessary and usual steps to secure himself and suit, by swearing, by affidavits drawn by his said attorney, to the truth of his demand, and his belief of the said defendant's being about to depart; in order to oblige the said defendant to give bail, as is the constant and invariable practice of this court, as the memorialist is advised.

That after some time, the memorialist finding, notwithstanding his affidavits sworn as above recited, that no warrants were issued to compel the said defendant to give bail as required, the memorialist imagined himself neglected by his said attorney; and in consequence very freely com-

communicated his sentiments to his said attorney, who excused himself, by declaring it was not in his power to do what he conceived he ought for the memorialist, *forasmuch as he was brow-beat, and intimidated by Cornelius Goodwin, Esquire, then Mayor, and even threatened to be expelled the court on the occasion;* and that the said Mr. Goodwin, then Mayor, did, in or about the 7th day of June aforesaid, in open court in judgment sitting, declare, that the *memorialist's oath ought not to be taken;* and that the *defendant had been with him at his house,* and had there satisfied him, that he, the defendant, was a man of substance; and the result of the said private interview between the said Mayor and the said defendant, was the said Mayor's then and there, in open court, declaring, that the memorialist's said affidavits should *not be taken nor admitted;* and though warrants had been before ordered, they *were then superseded,* and *bail was directed not to be given;* at the same time the memorialist's said attorney was obliged to be silent in his behalf, being at the same time and place, by the said Mayor, threatened to be *expelled the court,* if ever he undertook such a cause in future.

That the said Mr. Whittall, the memorialist's attorney, hath since, and very lately, further advised the memoralist, that on or about Tuesday the 30th day of May last past, he the said Cornelius Goodwin, then an Alderman, did in public court, then and there declare, that the said Mr. Whittall had drawn in the memorialist to swear to an affidavit to make a man give bail (meaning in the above cause) and had persuaded the memorialist to swear to the same.

The memorialist therefore conceives himself greatly wronged and aggrieved, both in his character, reputation, and interest, by the scandalous and injurious speeches, and most partial proceedings of him the said Cornelius Goodwin, in hearing any party in a cause pending in this honourable court, at his own house, and then coming to the bench, and there refusing the memorialist the benefit of the laws of his country, because he was pleased to be satisfied with the adverse party, privately in his own house. Which proceedings of him, the said Cornelius Goodwin, the memorialist doth aver and maintain to be repugnant to equity and good conscience, and manifestly tending to the infamy, wrong and injury of the memorialist, and such as require immediate redress and relief; the which, in order to obtain, is the true intent and meaning of this memorial to this honourable court, if happily the same may be thereby had: the memorialist humbly conceiving, that being an Alderman of this court is no sanction for the said Mr. Goodwin's treating him as the most infamous of men, by saying that his oath ought

 not

not to be taken, or that he is to be drawn in or perſuaded, either by his attorney or any other perſon, to ſwear to any thing wherein his conſcience does not take part; or that he is thereby at liberty, on any private conference with the memorialiſt's adverſary out of court, to deprive him, a true and liege Britiſh ſubject, of the benefit of the laws of his country: from which alone he expects redreſs in this honourable court.

Calcutta,
13th June, 1769.

THOS. HAMILTON.

A true Copy.

Signed J. MAY, regiſter.

N° XXV.

The Anſwer of Cornelius Goodwin, Eſquire, Alderman, and late Mayor of Calcutta, to the Memorial of Mr. Thomas Hamilton; addreſſed to the Honourable the Mayor's Court of Calcutta. Dated 27th June, 1769.

To David Killican, Eſquire, &c. Members of the Honourable the Mayor's Court.

Gentlemen,

Mr. Thomas Hamilton having preſented to this honourable court a memorial, ſetting forth ſome pretended injuries or grievances received from me, or through my means, reſpecting a ſuit he commenced in this honourable court againſt Ramababoo, on or about the month of June laſt paſt, and it appearing to me, that I am greatly injured in the repreſentation of thoſe grievances, I think it incumbent on me, for my own juſtification, to acquaint this honourable court with the ſeveral circumſtances relating thereto, as far as I can recollect after ſo great a diſtance of time, and ſhall then leave it to the judgment of this honourable court, how far I have merited the memorialiſt's accuſations.

I admit, that the memorialiſt did apply to me, as the then mayor, for a warrant to oblige Ramababoo to give bail in the ſuit commenced againſt him by the ſaid memorialiſt; and in conſequence of ſaid application I granted a warrant. But ſeveral creditable and reſponſible people

people coming shortly after to me, and assuring me that the said Ramababoo was a man of substance and property, and not about to depart the jurisdiction of this honourable court; and as a confirmation of what they had assured me, the said Ramababoo having produced at the same time several interest bonds to a considerable amount, for monies lent by him to several gentlemen in the settlement, *I was induced to put a stop to the execution of the said warrant*: and the succeeding court day I verbally related the foregoing circumstances, in justification of my conduct upon the occasion, to the members then with me upon the bench, who made no objection thereto.

Respecting the memorialist's representation of being informed by his attorney, Mr. Whittall, that it was not in his power to do what he conceived he ought for the memorialist, forasmuch as he was brow-beat and intimidated by me, and even threatened to be expelled the court on the occasion, I do most solemnly declare these assertions of Mr. Whittall's to be false; and, to the best of my remembrance, I said nothing more to him upon the occasion, than blaming him for advising his client to apply for the warrant, and recommending to him to be cautious in future in his application for warrants of that kind. I must beg leave also to remark, that it appears (by the first part of the memorialist's representation on this head) the memorialist had not been informed by his attorney, Mr. Whittall, for some time, of what had passed in the court relative to the warrant being superseded; or even till the memorialist had applied to his said attorney upon the occasion, when he charged him with having been neglected by him. How Mr. Whittall accounted for this omission, I can't pretend to say; but I am inclined to think, he would not have deferred informing his client with what he afterwards did, as is set forth by the memorialist, if it had been real; nor was it justifiable in him to omit giving his client the earliest notice of the warrant being superseded, together with the reason which was assigned for it.

The memorialist's representation, respecting a declaration of mine in open court, that his oath ought not to be taken, and his affidavit not admitted, doth, in my opinion, confute itself; it evidently appearing, that I laid the blame entirely on Mr. Whittall for applying for the warrant, and therefore could not, with the least propriety, point at the memorialist; nor had I any right, without the concurrence of the other members upon the bench, to express myself in so dictatorial a manner as is set forth by the memorialist.

In anſwer to the memorialiſt's repreſenting his having been very lately adviſed by his attorney, Mr. Whittall, that I, as an alderman, did, on or about the 30th day of May laſt, in public court declare, that the ſaid Mr. Whittall had drawn in the memorialiſt to ſwear to an affidavit to make a man give bail, and had perſuaded the memorialiſt to ſwear to the ſame, I beg leave to ſet forth to this honourable court the circumſtance that occaſioned the memorialiſt's name to be mentioned that day in court; and which was as follows.

Mr. Killican, the preſent Mayor, being then upon the bench, was obſerving to Mr. Miller and myſelf, that he ſhould be cautious in future how he granted warrants, as he had reaſon to apprehend they were too frequently applied for without proper foundation. In conſequence of this, I ſaid (without the leaſt intention of injuring the memorialiſt) that I recollected Mr. Whittall had prevailed upon the memorialiſt to apply laſt year for a warrant, which afterwards appeared to me to be unneceſſary: and this, to the beſt of my remembrance and belief, was all that was ſaid upon the ſubject. I muſt now beg leave to inform this honourable court, that the next day, or two days after the above converſation, the memorialiſt came to my houſe, ſeemingly in great wrath, and challenged me with having ſaid in court, at the time aforeſaid, that he had taken a falſe oath. My anſwer to him was, that I had not ſaid ſo. Whereupon he told me, that Mr. Whittall was his author; and that he, the memorialiſt, was ready to ſwear it. About half an hour after the memorialiſt left my houſe, I went to the court-houſe, where I accidentally met Mr. Whittall, and took that opportunity to tax him with what the memorialiſt had told me, as aforeſaid: to which he replied, that he did not tell the memorialiſt any ſuch thing. I then aſſured him, that the memorialiſt had ſaid ſo; and in conſequence of it concluded, that he would have cleared up the point with the memorialiſt, and that I ſhould have heard no more of it.

Having adhered ſtrictly to truth in the foregoing relation, by way of reply to the ſeveral accuſations ſet forth againſt me by the memorialiſt, in his ſaid memorial, I flatter myſelf with not having merited any part of the ſaid accuſations; and that I ſhall ſtand exculpated therefrom by this honourable court, as likewiſe from having any intentions of injuring the memorialiſt.

In regard to Mr. Whittall, I can't help ſaying, that I look upon him to have been the premoter of the injurious accuſations, and humbly conceive his proceeding in the caſe to be very unwarrantable in the character of an attorney of this honourable court; and doubt not, upon due

due consideration, that proper notice will be taken of it by the members of this honourable court, to whose judgment I submit myself; and am, with all due respect,

Gentlemen,

Your most obedient servant,

Calcutta, 27th June 1769. CORNEL[s]. GOODWIN.

A true Copy.

J. MAY, *register.*

N° XXVI.

The Memorial of Alexander Jephson, Esquire, to the Honourable the Court of Directors of the United Company of Merchants of England trading to the East Indies; with the opinion of Sir William De Grey, Sir Fletcher Norton, and Charles Sayer, Esquire, thereupon.

To the Honourable Court of Directors of the United Company of Merchants of England trading to the East Indies.

The Memorial of Alexander Jephson, late of Bengal, Merchant, but now of London,

SHEWETH,

That your memorialist, in the year 1762, went to Bengal under free merchants covenants by your permission granted in that year; and during his residence there, and in the year 1766, he married Mrs. Gallopine, widow and executrix of the late Peter Gallopine of Calcutta, whose estate your memorialist found in great confusion, and large demands against it; and your memorialist examined and perused his books of accounts with as much care and attention as they would admit of, they having been very irregularly kept, and no balance of his cash book having been struck for some years.

That it appeared to your memorialist on such examination, that it was impossible any judgment could be formed of his affairs by the state of the books at the time of his death, although it was cruelly reported that Mr. Gallopine had died worth money, which report has been of

great detriment to the creditors of the estate as well as to your memorialist; for, upon making up the accounts of the said estate, your memorialist found the same greatly insolvent to the amount of near a lack of rupees; and in consequence of there not being sufficient assets to satisfy all the creditors on the estate, your memorialist, and his wife as executrix, had several suits commenced against them in the Mayor's Court at Calcutta.

That in the year 1767, your memorialist and his wife intended to come to England, and had engaged their passage, but were prevented by the Mayor's Court, who called upon your memorialist to give security, on leaving the country, for the amount of all the debts and demands on Mr. Gallopine's estate; alledging, that as the executrix had paid several debts in full, she ought to pay the remainder, or make an equal dividend of the estate, and that so much as was overpaid of what the dividend would have amounted to, must be paid out of her own separate estate: to this your memorialist answered, in behalf of the executrix, that such debts as were paid were just demands, and not disputed, and were paid by her as they were demanded, *before any suits were commenced*, and *before it was known that the estate was insolvent*, and *on a supposition that there would be sufficient assets to answer the whole demands on said estate*: your memorialist also acquainted the court, that *there was a large sum of money due to the executrix on account of her marriage settlement with Mr. Gallopine, which was her own proper money, and settled upon her before her intermarriage with Mr. Gallopine, and vested in the hands of trustees, which Mr. Gallopine afterwards possessed himself of, by being attorney for one of the trustees, without the knowledge or consent of the executrix, and thereby your memorialist became the greatest creditor: that as all the effects had been accounted for which came to the hands of the executrix and your memorialist, their demanding such securities from your memorialist on an insolvent estate, was unjust and contrary to law*, and therefore your memorialist refused to comply with giving such securities: the court then obliged your memorialist to make an affidavit in court, that your memorialist would stay another year for the satisfaction of the creditors, which your memorialist was compelled to comply with, or he would have been sent to prison; which compulsion has been a great expence and loss to your memorialist.

The court then promised they would hear the causes in the course of the twelve months, and that your memorialist should not be detained any longer on account of these affairs.

That your memorialist gave public notice for all persons having demands on the said estate, to make them on or before the 1st of September,

ber, that your memorialiſt might not be prevented coming to England the next year; and, as it appeared the Banyan, who had the management of Mr. Gallopine's affairs in his life-time, had not given in proper and clear accounts, and had aſſured the executrix that *there would be ſufficient aſſets to pay all the debts on the eſtate, beſides her own money due by virtue of the ſettlement*, your memorialiſt, ſuſpecting him guilty of ſome fraud, cauſed a bill to be filed againſt him for the diſcovery of the effects, and alſo to ſatisfy the creditors, who ſtill could not be perſuaded that the eſtate was inſolvent, though your memorialiſt filed his account of the eſtate in the Mayor's Court in October; and your memorialiſt afterwards delivered in all the books, papers, and accounts belonging to the ſaid Peter Gallopine's eſtate to the Regiſter of the Mayor's Court, by order of the court, for the inſpection of the creditors.

That the next year, in February 1768, your memorialiſt was preparing to come to England; when ſeveral of the creditors, who then had ſuits depending in the Mayor's Court, filed a new bill againſt the executrix and your memorialiſt; and though they made the debts amount to about 25,000 rupees, they drew out an account of what a dividend would produce, and again demanded a ſecurity from your memorialiſt of about 78,000 rupees.

That your memorialiſt had often attended the court in the courſe of the twelve months, and acquainted them that it was his firm intention to leave Bengal that ſeaſon, and preſented ſeveral petitions requeſting they would finiſh the affairs, agreeable to their aſſurances of laſt year; alſo of his having taken a paſſage on board the Northington, Captain Sealy, who was to ſail the latter end of February, or beginning of March, in order to bring them on to a concluſion, as your memorialiſt found he could be of no further ſervice to the eſtate, and his own affairs requiring his preſence in Europe, beſides that his health had been much impaired: and upon this bill being filed on the 19th of February 1768, a few days only before your memorialiſt was to embark, the court iſſued out a warrant, called a *Nè exeat regno*, which was in the words following:

" By the Honourable the Mayor's Court at Calcutta at Fort William in Bengal:

" To the Sheriff of Calcutta aforeſaid, and the diſtrict thereof, greeting:

" Becauſe we have received certain intelligence that Alexander Jephſon and Philadelphia his wife, who is widow and executrix of " Peter

"Peter Gallopine, late of Calcutta aforesaid, merchant, deceased, propose immediately to depart out of the jurisdiction, or out of the reach of the process of this Court, towards parts beyond seas, to the very great damage of this Court, and of the suitors of this Court; and this Court being willing and desirous to prevent the same, you are commanded by this Court, that without any delay you make the said Alexander Jephson and Philadelphia his wife personally to come before you and find sufficient bail, under a certain penalty by you to be reasonably imposed, for which they will answer to this Court, that they or either of them shall not presume or attempt to depart towards parts beyond seas, or out of the jurisdiction, or out of the reach of the process of this Court, without the special licence of this Court, in contempt or to the prejudice or damage of this Court, or of the suitors thereof; and if this they shall refuse to do before you, then do you immediately commit the said Alexander Jephson and Philadelphia his wife to the prison at Calcutta aforesaid, in the same to be kept in close custody until they do this voluntarily; and when you have so taken such bail or security, do you certify this court thereof clearly and distinctly under your seal, at the same time returning this writ to this Court.------Given under the hands and seals of Cornelius Goodwin, Esq; Mayor, and of Mr. David Killican, one of the aldermen of Calcutta aforesaid, and under the seal of the said Court, this nineteenth day of February, in the year of our Lord 1768.

(Signed) "CORNELIUS GOODWIN, Mayor. (L. S.)
"DAVID KILLICAN, Alderman. (L. S.)

"(L. S.) John Holme, register.

"Take good bail for current rupees seventy-eight thousand six hundred "forty-four, and four annas, and one pice."

This proceeding your memorialist looked upon as illegal, and would not comply with; in consequence of which your memorialist was arrested by the Sheriff by virtue of the above warrant, and committed to prison, without being allowed twenty-four hours to procure bail.

Your memorialist immediately applied to the Governor and Council of Calcutta for redress, as per the following letter:

"To

" To the Honourable Harry Verelst, Esq; President and Governor,
" and the Council of Fort William.

" Honourable Sir and Sirs,

" I beg leave to inform you, that by virtue of an illegal warrant issued from the Honourable the Mayor's Court, under the hands and seals of Cornelius Goodwin, Esq; Mayor, and Mr. David Killican, one of the aldermen, I am this day committed a close prisoner to the jail of this town, which puts me under the disagreeable necessity of requiring your immediate protection as an inhabitant of this settlement, under the protection of the Honourable Company as a free merchant, and likewise as a subject of the King of Great Britain, that I may be properly redressed, and proceed to England in The Northington, Captain Sealy, agreeable to the permission you have been pleased to give me.

" I am, with the greatest respect,

" Honourable Sir and Sirs,

" Your most obedient servant,

(Signed) " ALEXANDER JEPHSON."

In the Jail of Calcutta,
23d February 1768.

But they informed your memorialist that nothing but decrees regularly appealed from were cognizable by them, as per the following letter:

" To Mr. Alexander Jephson.

" SIR,

" I am directed by the Honourable the President and Council to acknowledge receipt of your letter of this date; and to acquaint you in reply, that your application to them can only be as Governor and Council, or as a Court of Appeals; in the latter case, nothing but decrees in the Mayor's Court, regularly appealed through all the forms, are cognizable by them: in the former case, as the Mayor's Court, a King's court of record, is no ways dependant on them in " their

"their judicial capacity, nor no ways anſwerable for their proceed-
"ings, they, as a governor and council, have no right to interfere,
"even in an illegal act.

"I am, SIR,

"Your moſt humble ſervant,

(Signed) "SIMEON DROZ, ſecretary."

Fort William, 23d February 1768.

That the attorney for your memorialiſt during ſuch confinement waited ſeveral times on Mr. Droz the Sheriff, and aſked what bail was required for the enlargement of your memorialiſt and his wife, who ſometimes referred him to the court, ſometimes to the plaintiffs, and ſometimes to the Mayor.

That your memorialiſt's attorney then informed Cornelius Goodwin, Eſq; Mayor, and Mr. Droz the Sheriff, he was come to depoſit the 78,000 rupees, the ſum marked in the writ, in the Company's treaſury, or any other ſum which ſhould be required; but they abſolutely refuſed to accept of ſuch or any other ſecurity whatſoever.

That the ſaid Cornelius Goodwin, in the courſe of the proceedings againſt your memorialiſt in the ſaid Mayor's Court, did frequently declare that your memorialiſt ſhould be detained in the country; and when your memorialiſt's ſaid attorney ſtated to the court the illegality of ſuch proceedings, and that they were not agreeable to the laws of England, he the ſaid Cornelius Goodwin declared, *That they had nothing to do with the laws of England there; that the laws of England were never made for them; and declared he would not ſo much as hear the laws of England named while he ſat upon that bench:* That the ſaid Cornelius Goodwin, Mayor, and David Killican and John Fevett, two of the aldermen, had a converſation with the Sheriff; and your memorialiſt's attorney waited upon the Sheriff, who informed him that your memorialiſt would be releaſed on giving ſecurity for the money: whereupon your memorialiſt's attorney, by order of your memorialiſt, offered Mr. Williamſon to be ſecurity, who was then accepted of; but the next morning the Mayor informed your memorialiſt's attorney, that the Sheriff would not accept of any ſecurity, without an order of court, for the enlargement of your memorialiſt and his wife.

That

That a court was then summoned (1st March) at which was present the Mayor, and Messrs. Lear, Killican, Cator, and Levett, aldermen, when bail was again offered by your memorialist's attorney; and Mr. Woodward, one of the aldermen, declared in open court he would be security for the 78,000 rupees, which was refused: whereupon your memorialist's attorney and Mr. Woodward then asked what bail was required; but the court would fix on no sum; and said, *Bail would not be taken, as other suits and demands might afterwards be made on the estate*, and *that nothing but your memorialist's presence in person to answer the causes depending in court would be satisfactory*; and your memorialist received a letter from the Sheriff to that purpose (a copy of which is as follows):

"To Alexander Jephson, Esq;

"SIR,

"I have received your note, and am to acquaint you in reply, that "the court has acquainted me, nothing but your presence and that of "Mrs. Jephson's to answer in person to the several causes depending "in court can be satisfactory to them: in short, I am not, nor cannot "take notice of any thing for your enlargement but a special authority "from the court directing me to release Mrs. Jephson and you. It "gives me much pain to be obliged to conform to orders of so severe a "nature.

"I am, SIR,

"Your most humble servant,

(Signed) "SIMEON DROZ, Sheriff."

"1st March 1768."

On receipt of which letter your memorialist immediately wrote to the Mayor as follows, but received no answer thereto.

"To Cornelius Goodwin, Esq; Mayor.

"SIR,

"I have just now received a note from Mr. Droz, that he cannot "release me on any account without an order from you or the Court: "Mr. Thomas Woodward and Mr. William Harwood will be my se-

" curity to anſwer to the decrees againſt Mr. Gallopine's eſtate, and
" this is what I underſtand is all the Court want; therefore, Sir, I de-
" ſire you will ſend orders to Mr. Droz to releaſe me on theſe gentle-
" men's becoming my ſecurity, or let me know what I am to do, or
" what is further wanted of me: thoſe gentlemen deſire to know when
" you will be at home, and they will wait on you to juſtify as my ſe-
" curity. I requeſt your immediate anſwer; and am,

" SIR,

" Your moſt humble ſervant,

(Signed) " ALEXANDER JEPHSON."

" Calcutta, March 1ſt, 1768."

Your memorialiſt was therefore to conſider himſelf as a priſoner for life, as the Court might always make the ſame plea as the preſent, *That other ſuits and demands might afterwards be made on the eſtate:* and as your memorialiſt was conſcious he had done his duty in the management of the eſtate; and that theſe proceedings were contrary to the regular courſe of law and juſtice; and that your memorialiſt had no hopes of ever being redreſſed in India; and that by a continuance there under theſe cruel circumſtances it might put a period to the life of your memorialiſt, who only wanted juſtice and equity to take place: therefore your memorialiſt having given his bond to the Sheriff for the liberty of his houſe, on the 2d of March left his houſe, and got into his boat with intent to go on board The Northington, having the Governor and Council's permiſſion, and his baggage ſent on board; but on his way to the ſhip in the river, and near to Ingellee, the next day, the 3d of March, in the evening, your memorialiſt's boat was boarded by a military ſerjeant and ſoldiers, with fixed bayonets, piſtols, and other arms; alſo the Sheriff's officer with the ſilver oar, who produced the orders of the Governor and Council to Captain Sealy and all commanders under the Engliſh protection (a copy of which order is as follows):

" Mr. Alexander Jephſon and Philadelphia his wife having fled
" from juſtice, in defiance of the laws of the land, I am directed by
" the Honourable the Preſident and Council to acquaint you, that you
" are on no account to receive them on board your ſhip; and if they

" are

"are on board, you are immediately on receipt of this to deliver them "up to the Sheriff's officer.

"By order of the Honourable the President and Council.

(Signed) "EDWARD BABER, assistant secretary."

"Fort William, the 2d March 1768."

And in this manner your memorialist and his wife were forced back to Calcutta, and immediately committed close prisoners by the Sheriff; and your memorialist was thereby deprived of going in The Northington, which was a very great loss to your memorialist and his affairs.

Your memorialist was surprized to find the Governor and Council should issue out such orders, after their answers to your memorialist on these affairs; and your memorialist addressed them again during confinement, by letters dated the 7th and 14th of March, and laid the case before them; also requested such letters might be forwarded to this Honourable Court; to which your memorialist received the same answer as before.

Your memorialist and his wife remaining in prison, many applications were made to the Court, the Mayor, and Sheriff, for their enlargement, as there was only one ship more, The Admiral Pocock, Captain Riddle, to be dispatched that season; when the Court at last thought proper to enlarge your memorialist on the 18th of March, *on* giving *the same bail which he had offered before, but which was refused,* and security-bonds to answer the monies due to the estates of several deceased persons, to some of whom Mr. Gallopine was executor, and to others administrator.

In consequence of these proceedings your memorialist, who together with his wife are now in England, was obliged to leave his effects in Bengal in the hands of his bail for their indemnification; and having (previous to the issuing the *ne exeat regno)* taken his passage on board The Northington, your memorialist forfeited his passage-money, which he had actually paid, and which amounted to near 500 l. although your memorialist and his wife came home in another ship (The Pocock).

Your memorialist, since his arrival in England, has employed an eminent attorney to draw up the case, and had the then Attorney General Mr. De Grey and Sir Fletcher Norton's opinion thereon; who declare the *ne exeat*, and the proceedings of the said Mayor's Court, to to be illegal, arbitrary, and most oppressive; whose opinions your memorialist is ready to lay before this Honourable Court when called for;

G also

alſo all the other original letters and papers relative to theſe proceedings; and alſo is ready to verify the above charges by affidavits, or in ſuch other manner as your Honours ſhall direct.

Your memorialiſt moſt humbly prays your Honours to take his caſe into conſideration, and that an enquiry may be had into the conduct and proceedings of Cornelius Goodwin the late Mayor, and the ſeveral other Aldermen of the Mayor's Court at Calcutta, whoſe conduct as judges thereof have been moſt arbitrary and oppreſſive in the courſe of the proceedings againſt your memorialiſt; and to order home the ſaid Cornelius Goodwin late Mayor, together with David Killican, Alderman, and Simeon Droz the Sheriff, who have been moſt active in oppreſſing and injuring your memorialiſt, in order to anſwer here for the ſame; foraſmuch as your memorialiſt cannot hope for any redreſs in the premiſes in the Mayor's Court at Calcutta, and cannot commence any ſuit againſt them here whilſt they are abroad; and that the bail which your memorialiſt was compelled to give to the ſaid Court for all demands made upon the eſtate of the ſaid Peter Gallopine, deceaſed, who being inſolvent, and your memorialiſt the greateſt creditor, may be ordered to be diſcharged, in order that he may be enabled to recover his effects from Bengal; and to grant ſuch further relief to your memorialiſt as to your Honours ſhall ſeem meet.

And your memorialiſt will ever pray, &c.

ALEXANDER JEPHSON.

London, 2d March 1771.

Mr. Sayer's opinion.

Mr. Sayer is deſired to peruſe the memorial of Mr. Alexander Jephſon, left herewith, and his opinion is deſired.

Query I. Whether the *ne exeat regno* granted by the Mayor's Court againſt Mr. Jephſon and his wife was legal, and eſpecially as it appears they were executors of an inſolvent eſtate, and that the ſame iſſued without any proof before the court to warrant ſuch a proceeding?

Anſwer. I have read the memorial of Mr. Alexander Jephſon, and if there is no reaſon to doubt the facts therein contained, the *ne exeat regno* is

is not only illegal, but the proceedings relative to Mr. Jephson and Philadelphia his wife, under it, are not founded in justice, but in wickedness and outrage. I am satisfied in my own mind, that neither Mr. Cornelius Goodwin the Mayor, nor Mr. David Killican the Alderman, who signed the order of the 19th February 1768 for the committing of Mr. Jephson and wife, without the name of a single complainant, could consider it as a regular proceeding in a court of justice, but as an act of power, for the gratification of their private malice and resentment.

Query II. If the issuing this writ was illegal, under the circumstances of this case, ought not the President and Council to have admitted and received the complaint made by Mr. Jephson, by way of appeal from the order of court, by which the writ issued, which it appears they declined doing; and whether they ought not now so to do, and give the party relief: and upon the whole, what can the Court of Directors do in this matter, on Mr. Jephson's behalf, and what is advisable for them to do, to prevent such illegal practices for the future?

Answer. The President and Council ought to have admitted and received the complaint made by Mr. Jephson by way of appeal, and reversed every proceeding relating to this illegal *ne exeat regno*; but so far were they from so doing, that except the proceedings of the Mayor's Court, nothing could be worse than their answer to Mr. Jephson of the 23d February 1768, signed Simeon Droz, secretary, and their order to the Captain of the Northington, of the 2d March 1768, signed Edward Baber, not to receive Mr. Jephson and his wife on board, but immediately deliver them to the Sheriff. Such courts of justice are not only disgraceful to the East India Company, but the nation; and if the Company does not rescue the inhabitants in their settlements from such outrage on their properties, under the mask of justice, Bengal will be deserted.

I trust there are men better qualified for judges to be found at Bengal, than either Mr. Goodwin or Mr. Killican, and a very legal and fair opportunity offers itself for removing one or both of them from the seat of justice, which they have so shamefully disgraced.

Mr. Jephson's memorial states as a fact, that the proceedings were complained of to the court as illegal, and not agreeable to the laws of England; and *that Mr. Cornelius Goodwin declared, they had nothing to do with the laws of England there; that they were never made for them; and declared, that he would not so much as hear the laws of England named while he sat upon the bench.*

If

If it can be plainly proved, that Mr. Goodwin, Mr. Killican, or any other of their associates, the Judges of the Mayor's Court, used, sitting in judgment, these words, or words to the like effect, they ought to be removed from being Judges of the court, and upon a complaint in writing, in some person's name, exhibited against Mr. Goodwin, or any other of the Judges, charging the fact above specified in writing, and a reasonable time given to him or them to make their defence, and being summoned for that purpose, if the fact is proved upon them, by at least two witnesses, they may legally, and ought, for the sake not only of common justice, but common decency, to be discharged from being Judges of the Mayor's Court, and, if possible, by appointing other Judges, prevent the justice of that country from being so scandalously administered.

Copy of Sir Willam De Grey's Opinion.

There is so much irregularity, illegality, and oppression in this story, that I scarce know how to believe the parties concerned in transacting it would admit it to be true. I think several of the decrees as stated are erroneous, and might be appealed from, the principle of law mistaken, some of the orders of the court unjust, and the *ne exeat* illegal. If any of the parties are in England, actions might be brought against them for their parts of the transaction, as far as they were illegal; but before a precise remedy can be pointed out, it would be necessary to see the particular proceedings, and to know the facts with accuracy, and how far they can be brought home to any person now in England.

An appeal from this or that order or decree, or a petition for leave to appeal, would not give a full and adequate relief, and would be attended with great expence.

The India Company are so desirous of establishing a free course of justice in their settlements, that if the matter is as stated, I cannot but think a memorial to them for a restitution and satisfaction, might produce a compleater remedy than a process at law.

Copy of Sir Fletcher Norton's Opinion.

I think there may be cases where it may be legal to detain a person in India, and to issue writs of the nature with the present; but upon this state of facts, all the proceedings against Mr. and Mrs. Jephson seem to be illegal, arbitrary, and most oppressive; and if there is any doubt of obtaining redress by the ordinary course of proceedings in this country,

it may be advisable to bring the whole hither by appeal, or by way of criminal complaint against the Mayor and others, who have been actors in these oppressions.

Nº XXVII.

The Case of Mr. Richard Whittall; with the opinion of John Dunning, Esquire, thereon.

Mr. Richard Whittall, an attorney of the Court of King's Bench, with the leave of the East India Company, some time in April 1764, sailed for India, as a free merchant, in order to reside at Calcutta, in Bengal. And, on the 6th day of March 1767, he was admitted, and sworn one of the attornies of the Mayor's Court there, agreeably to the practice of the court; where, by his diligence and good behaviour, he acquired great reputation, and by his practice procured a very genteel income.

The Mayor's court at Calcutta, in Bengal, is by his Majesty's charter appointed a court of record, for hearing and determining all civil suits, actions, and pleas, with power to appoint officers and ministers; and the court is enjoined to adhere strictly to the laws of England, in all such matters as should come before them, for their determination. The court consists of a Mayor and nine Aldermen, elected, by virtue of the charter, by the Governor and Council; and being either free merchants, or servants of the Company, and many of them holding offices immediately under the Governor, and others being indulged by him with the liberty of private trade, or other favours, they are therefore subject to the influence and controul of the Governor and Council. And so great is such influence, that a Governor has been known, by his private mandate, to put a stop to a trial at law which was hearing in the court, all the proceedings being gone through, and the said court about to pass judgment thereon. And it is likewise notorious, that if the Governor or Council should have any pique or animosity against any of the attornies of the Mayor's Court, private application has been made by them to the Mayor and Aldermen for the dismission of such persons; insomuch that the attornies of the said court have found it hazardous to undertake a suit, especially in matters of arbitrary proceedings, or oppression, wherein the Governor, the Council,

or

or any of their favourites have been in the least interested, on behalf of defendants.

About the time of Mr. Whittall's admission as attorney of the Mayor's Court at Calcutta, Mr. Cornelius Goodwin, then an Alderman (since Mayor of the said Court) did declare, that HE, the said Cornelius Goodwin, "would take care, when he came to the Mayoralty, that Mr. "Whittall should not long remain in the office of an attorney of the "said court; for that he would get him dismissed, in order to have "one Mr. Driver, an intimate of his own, admitted in his stead," or words to that effect. At this time the said court would only admit four attornies to practise in Calcutta; and it is well known that the said Cornelius Goodwin has often assumed to himself the office of determining in a private manner, at his own house, suits which ought to have been brought on in the public court; and has declared, that if the parties would apply to him alone, he would settle matters without the tedious business of the law: for which he had his own private views, as plainly appeared, and has actually, while Mayor, prejudiced, in such unwarrantable manner, the causes of several persons applying; setting at naught the laws of England, and holding them in contempt, by which, as a judge, he ought to have been directed: saying, "That "England was a great way off; that they had nothing to do with its "laws there;" (meaning the said court, where he, the said Cornelius Goodwin, then sat as Mayor) "That the laws of England were never "made for India; and that while he presided on the bench, he would "not so much as hear the laws of England mentioned in that court," or words to that purport or effect. Farther, that when the said Cornelius Goodwin was elected Mayor, in order to lay a foundation for carrying his purposes declared against Mr. Whittall the more readily into execution, he did frequently intimidate and reprehend the said Mr. Whittall, in the course of such suits as he was concerned in; and which, as Mayor of the said court, came before him in a judicial way, with threats of dismission and other such menaces; forbidding him to speak on behalf of his said clients, to the great injury not only of the suitors of the said court, but also of the said Mr. Whittall, both in his practice and reputation; decreasing thereby the number of his clients, who feared on such account to entrust him with their causes, and consequently diminishing his gains and profits by his profession.

And, FIRST, Mr. Whittall being employed for one Rajah Nundcomar, an inhabitant of Calcutta, against Johannes Bogdazar, an Armenian merchant, an intimate friend of Mr. Cornelius Goodwin's, and concerned with him in trade; the matter being a suit and cross suit, the said Cornelius

nelius Goodwin sitting as President at the hearing of those suits; some time in June or July 1768, both suits were decreed against Rajah Nundcomar, Mr. Whittall's client, with costs to be paid to the other party; but the said Rajah Nundcomar thinking himself thereby injured, ordered his attorney, Mr. Whittall, to appeal from the said decrees (as warranted by law) to the Court of appeals, consisting of the Governor and Council at Fort William. But upon the certificates of such appeals being sent to, and read in the Mayor's Court, as usual, the said Cornelius Goodwin, then Mayor, and by office one of the Judges of the said Court, broke forth into a violent and unseemly fit of rage, and then and there abused the said Mr. Whittall, who moved to have the suits marked with the word [appealed] agreeably to the practice of the said court; and declared, "That Mr. Whittall ought to be expelled from "being an attorney of the said court, for daring to appeal the causes "abovenamed; for that he was not fit to be an attorney of that court, "and had only advised such appeals, in order to put his client to ex-"pences;" and asserted, that Mr. Whittall ought to be dismissed on that account. And, in fact, had not the other Aldermen, then upon the bench, proved more moderate, he would then and there have been dismissed from his office and practice.

Nevertheless the decrees of the Mayor's Court in these causes were erroneous; and when the said causes were heard before the court of appeals, the Governor and Council thought fit to reverse the same in favour of Mr. Whittall's client, Rajah Nundcomar abovementioned.

And FARTHER, Mr. Hamilton, surgeon of Calcutta, having employed Mr. Whittall in three suits against a certain merchant, called Ramababoo, and others, informed Mr. Whittall, that he had special information while the suits were yet depending, that Ramababoo was about to quit the country; and desired Mr. Whittall to prepare affidavits, and go with him to Mr. Goodwin, then Mayor, to swear him thereto, in order to obtain warrants for holding him to bail in the said suits, which Mr. Whittall accordingly did. Mr. Goodwin swore him thereto; and on the next court day, being the 3d June 1768, Mr. Whittall filed three affidavits for this purpose in the Mayor's Court, moving at the same time, that the defendants should give in bail on or before the next court day, or that warrants should issue against them in default thereof, which was accordingly granted. But on the next court day, being the 7th June, Mr. Goodwin, then Mayor, did with great warmth of speech attack Mr. Whittall in open court, demanding how he came to apply for a warrant? and when Mr. Whittall, in answer, specified the reasons and informations above recited, quoting the said affidavits, the said Mayor

 said,

ſaid, in violent anger, " That ſuch affidavits ſhould not, or ought not " to have been taken or admitted; for that he the ſaid Cornelius Goodwin had been credibly informed, that Ramababoo was not about to " depart the place, or go out of the juriſdiction of the ſaid court; and " that Ramababoo had produced to him bonds from ſeveral gentlemen " in the ſettlement." And then Mr. Goodwin proceeded to relate the natures of the abovementioned ſuits in a manner greatly to the prejudice of the plaintiff, and farther ſeverely reprehended Mr. Whittall for adviſing (as he ſaid) his client to make the ſaid affidavits; adding, " That if Mr. Whittall ever appeared concerned again in ſuch ſuits, he " ſhould be diſmiſſed the court;" obſerving, " that he would turn " over a new leaf with him," or words to that purport; " and that " Mr. Hamilton would do better to attend to his gally-pots."

Mr. Whittall, being by theſe and other ſuch like proceedings much injured in his reputation and practice, did, on the 10th June 1768, ſend to Mr. Goodwin the following letter, an atteſted copy of which is in Mr. Whittall's poſſeſſion.

" To Cornelius Goodwin, Eſquire.

SIR,

" The many ſevere reproofs, abuſes, and threatenings, which you " have ſo repeatedly made uſe of, and thrown out againſt me, without " any juſt cauſe, have been attended with the worſt of conſequences; " (that is to ſay) I have not only thereby been injured in my character, " but have in a great meaſure loſt my bread. All, or the greateſt part " of my clients are clamorous, and ſay, that by reaſon thereof, they " dare not, nay it is dangerous to entruſt their cauſes to my management any longer: and ſeveral of them have actually applied to other attornies, alledging, that it is not poſſible for me to do them juſtice, " while I am threatened, abuſed, ill treated and intimidated by you, " as I have already been. I have thereby ſuſtained conſiderable damages, and am therefore to aſk if you chuſe to redreſs me in this " matter, not being willing to proceed to extremities without giving " you an opportunity of preventing it; if not, I muſt be obliged to apply for that juſtice which by law I am entitled to. I requeſt the favour of your anſwer, and am,

" SIR,

" Your obedient ſervant,

" Calcutta, 10th June 1768. RICH. WHITTALL."

After

After the receipt of this letter the matter lay dormant till the 30th May 1769; during which time Mr. Goodwin altered his behaviour in such manner as if he had repented of the injuries he had done the said Mr. Whittall. But at the same time, in the Mayor's Court, where Mr. Cornelius Goodwin had formerly presided as Mayor, being then an Alderman, he declared among other things, "That Mr. Whittall had "drawn Mr. Hamilton in, and persuaded him to make an affidavit the "last year to hold a man at bail." Upon which Mr. Whittall assured him, that he had not; and seeing Mr. Hamilton in the hall, acquainted him with this injurious and scandalous accusation.

And about the 11th July 1769, Mr. Hamilton, by his attorney, Mr. George Sparks, moved to file and read in said court a memorial of grievances, which before had been rejected; but being left by desire of the court, Mr. Cornelius Goodwin had obtained a copy * thereof, and having framed an address (with the assistance of his said friend Mr. Driver) in answer thereto, read it in court † upon the very same day. The said Mr. Whittall was therein accused of several false charges; which being called upon to vindicate himself from, he was farther told, that he was looked on as the first mover of all this (meaning Mr. Hamilton's memorial, &c.) and might expect to be dismissed; which had then and there been done, but that Mr. Whittall prayed the said memorial and answer thereto might be filed and entered on record, and that the Register might give him copies, in order that he might be prepared to make his defence. This being debated, Mr. Cornelius Goodwin exclaimed aloud, "That it was no suit;---that there was no suit com- "menced,"---absolutely objecting to the filing or entering the said papers upon record, as in such cases is usual; nor would allow that the Register should deliver any copies of them to Mr. Whittall; but said, he would take his answer home, to be there transcribed, and then send Mr. Whittall a copy, or he might take a copy thereof himself. Mr. John Levett, then an Alderman, called the said Mr. Whittall an incendiary: adding, with a sneer, "That he might have copies, as he ap- "plied, and might form what defence he could, which the court would "doubtless consider:" which speech was delivered, as if the said Mr. Levett thought such defence would but little avail Mr. Whittall. At length however the said memorial and answer, though not filed, were ordered to be recorded, and the said Mr. Whittall allowed to take copies thereof from the Register. On Tuesday the 18th July 1769, Mr.

* See the Memorial of Thomas Hamilton, N° XXV.

† See the Answer of Mr. Cornelius Goodwin, N° XXVI.

Whittall moved the ſaid court to file and read his petition and remonſtrance on the ſaid memorial of Mr. Hamilton, and the anſwer of the ſaid Mr. Goodwin; but the motion was over-ruled, and it was ordered to be taken back again unread, the ſaid Cornelius Goodwin leaving the court in an abrupt manner before the ſaid papers were preſented. But Mr. Joſeph Cator, Alderman, gave it as his opinion, that they ſhould by all means be filed, and entered upon record. On Friday the 21ſt July, Mr. Whittall again preſented his ſaid remonſtrance to David Killican, Eſquire, then Mayor, and the members of the court; praying that the ſame might be filed and read; as alſo that Mr. Hamilton's memorial and the anſwer of Mr. Goodwin might be filed, and entered upon record; but this was again refuſed, Mr. Goodwin, contrary to his uſual cuſtom, again abſenting himſelf from the court. But Mr. Cator maintaining his opinion of the propriety of filing the papers abovementioned, farther moved the court. But this motion was again over-ruled by the mayor; who ſummoned, however, a full court for the next court-day, to conſider of the matter. And on Friday the 23d of July, the ſame motion was made a third time; when the ſaid Mr. Goodwin, after ſome conſultation with the Mayor and ſome of the Aldermen upon the bench, at length conſented to have it read. On which the ſaid Mr. Whittall read the papers aforementioned, and procured the ſaid memorial, anſwer, and remonſtrance to be filed and entered on record; the Mayor obſerving, during the debate, "That they ought "to ſtudy the honour of the court, and that he thought the affair "might be ſettled without ſuch filing and reading, or the papers ap-"pearing upon record." Moreover, Mr. Goodwin ſaid, "That he "never ſuppoſed or expected it would have come to this pitch, or this "length."

Then the Regiſter was ordered to mark the ſaid memorial of Mr. Hamilton, and the anſwer of Mr. Goodwin, as filed on the 11th July 1769, and the petition and remonſtrance of Mr. Whittall on the 28th day of the ſame month, as aforeſaid. It is to be obſerved, that Mr. Goodwin, who at this court repeated his aſſertion of Ramababoo's being a man of property, &c. did not do it without foundation; for he had lent the ſaid Mr. Cornelius Goodwin 15,000 rupees, which is equal to 1875l. ſterling (not then repaid) and alſo a conſiderable ſum to David Killican, then Mayor; all which however ought not to have invalidated the affidavits proving his intended removal, from his own words, as before recited. After theſe proceedings Mr. Whittall moved, that the matter of his petition and remonſtrance ſhould be farther conſidered, and that he might bring proper witneſſes to prove the ſeveral allegations

 therein

therein set forth, which he did not imagine would have been objected to. But the next court day, which was on the 4th of August, in the year aforesaid, in order to prevent such publick hearing, the said court dismissed Mr. Whittall, upon certain other pretences, which were as follow:

About June 1767, Mr. Whittall was employed by one Patrick M^c^Taggart of Calcutta, merchant, as his attorney, to recover in the Mayor's Court the sum of 2075 Arcot rupees, or about 250l. sterling, which was due to him upon a bond from Mary Morgan, an inhabitant of Calcutta; and Mr. Whittall, at the request of the plaintiff, exhibited and filed a bill of complaint in the Mayor's Court there, in the usual form, on the 26th of June in that year, against the said Mary Morgan; who being summoned, employed Thomas Morris of Calcutta as her attorney in that suit; and on the 18th of August, Mr. Whittall, by direction of his client, took out a warrant to hold the defendant to bail, on the usual affidavit being made by the plaintiff; which warrant, on or about the 21st day of August, was returned executed by Simeon Droz, Esquire, then Sheriff; who did, of his own accord, and without any authority from the Mayor's Court, or notice, or bail given to the said Court, or to Mr. Whittall or his client, voluntarily release the said Mary Morgan out of his custody, contrary to the usages and customs in such case generally observed: of which Mr. Whittall informed the Court, and solicited another warrant, in order to avoid litigation with the Sheriff; but that motion being rejected, Mr. Whittall apprehended, that the Sheriff was become liable to pay the said debt (the members on the bench being also at that time of the same opinion) and thereupon the plaintiff made application to the Sheriff, and informed Mr. Whittall, that the Sheriff was ready, on having a proper receipt, to discharge the same: and moreover, on the 21st March 1768, the following letter was received by Mr. Whittall.

"SIR,

"Please to acquaint me what are the particulars of Mr. McTaggart's "demand on Mrs. Morgan, and how much the whole amounts to.

"I am, SIR,

"Your most obedient,

"Monday, the 21st March 1768. "S. DROZ."

"To Mr. Whittall."

And

And a ſhort time afterwards Mr. Whittall and his client accidentally met with Mr. Droz at the council-houſe at Calcutta, who began ſpeaking upon the ſubject; when Mr. Whittall civilly acquainted the Sheriff, that he having without authority, or notice given, of his own accord, diſcharged the defendant out of cuſtody, he apprehended he was become liable to the debt: on which he anſwered, he would pay it on a proper receipt being given him by Mr. McTaggart, and that he had taken, or would take, from the defendant, a mortgage of a garden to indemnify himſelf; which mortgage it ſince appears was actually prepared by Mrs. Morgan's attorney, Mr. Morris, and in conſequence of this converſation the plaintiff requeſted Mr. Whittall to draw up a receipt, which he accordingly did as follows:

"Calcutta, 4th June 1768.

"Received of Simeon Droz, Eſquire, the ſum of two thouſand and "ſeventy-five Arcot rupees, being the principal ſum due unto me on "a certain bond executed by Mary Morgan; and alſo the ſum of two "hundred and eighty-ſix Arcot rupees and five anas, being ſixteen "months and thirteen days intereſt on the ſaid bond, at the rate of ten "per cent. per annum; *for which a ſuit is depending in the honourable "the Mayor's Court, where the ſaid original bond is filed;* and I do "hereby promiſe to deliver up the ſaid bond uncancelled unto "the ſaid Simeon Droz, *upon his paying me the coſts of ſuit in the "ſaid cauſe,* as witneſs my hand; and I do hereby further promiſe to "withdraw the ſuit on Tueſday next.

"PATK McTAGGART."

And this receipt was ſigned by the plaintiff. Mr. McTaggart, and the Sheriff paid the money; after which no inſtructions were received by Mr. Whittall from his client, nor was any motion made relative to the ſaid ſuit; neither was he acquainted, till a conſiderable time after, that his ſaid client had received the ſum above ſpecified; nor are the coſts of ſuit to this day paid to the ſaid Mr. Whittall, nor to his client, ſo far as he knows, or believes.

That the period of time (to wit) from the 21ſt March 1768 to the 4th June following, which actually elapſed between Mr. Whittall's meeting and diſcourſing with Mr. Droz the Sheriff, and the date of the above receipt, was evidently too long to admit of any ſurprize upon Mr.

Mr. Droz, who had time enough to inform himſelf of every particular in the matter; though ſuch pretended miſinformation was afterwards made uſe of as a plea againſt Mr. Whittall at the time of his diſmiſſion. And in this manner matters reſted till that event, which happened on the 4th Auguſt 1769.

But certain members of the Mayor's Court, as it ſeems, highly offended at Mr. Whittall's ſpirited behaviour, in regard to proving the illegality of the proceedings of Mr. Goodwin, as before related, had ſchemed and reſolved privately among themſelves, and before the ſitting of the Court, to alledge ſomething againſt Mr. Whittall whereby they might find occaſion to diſmiſs him, as before had been threatened.

In conſequence of ſo extraordinary a reſolution, at the opening of the Court on the 4th of Auguſt 1769, Mr. May, the Regiſter, read a report of the Examiner to the Court, "That two witneſſes had been examined by him in the cauſe of Mr. McTaggart againſt Morgan:" (a circumſtance which indeed happened prior to the date of the receipt herein above recited) whereupon the ſaid Mr. Whittall, as attorney for the plaintiff, acquainted the Court, "That the ſaid cauſe was ended, that he had no inſtructions to proceed, the Sheriff having, without any authority, releaſed the defendant out of cuſtody, when confined for default of bail, upon a warrant; and had actually paid, or agreed to pay the debt for the defendant, as Mr. Whittall preſumed the law in ſuch caſe would oblige him to do." Whereupon Mr. Morris, the defendant's attorney, informed the court, "That Mr. Whittall had deceived and impoſed upon Mr. Droz, and had fraudulently and falſely obtained the payment of the ſum ſued for by Mr. McTaggart from Mr. Droz, by falſely acquainting Mr. Droz, that the ſuit commenced by Mr. McTaggart againſt the ſaid Mary Morgan was decreed by the Court, and that Mr. Droz was obliged to pay the amount thereof; and that the original receipt was wrote, as he believed, in the proper hand-writing of Mr. Whittall, and ſigned by the complainant; all which he would prove to be true," or words to the like effect: which were thereupon immediately taken down by the Regiſter, and read over to the Court. And although Mr. Whittall denied the ſame or any part thereof to be true, excepting only that he drew up and wrote a receipt in behalf of the plaintiff, Mr. McTaggart, and acknowledged the converſation which paſſed between him and the Sheriff, when he told him, in the council-houſe, that he apprehended he was become liable to the debt, as herein above recited; NOTWITHSTANDING all this, the ſaid Mayor's Court, without farther debate, after privately conſulting one another when ſitting upon the bench, diſ-

missed Mr. Whittall from acting or practising any longer, directly or indirectly, as an attorney of their said court.

In the debates among the members between themselves, Alderman Bathoe said, "He thought the matter sufficient to dismiss Mr. Whittall, "and that he ought to be dismissed;—it was highly due for making "the proceedings serve his own purposes; it was scandalous." So said Mr. Lawrell. Mr. David Killican said, "That he thought the "crime very bad; but the defence was much worse, in advancing "falsities to the Court and to Mr. Droz." Mr. Whittall replied, "He "would be glad such falsities should be proved, or at least pointed "out."—"He," said Mr. Bathoe, (meaning the Sheriff) "took your "word, and you deceived him."—Mr. Killican added, "That it was "highly derogatory to the honour and authority of that Court." On Mr. Whittall's denying that he had told the Sheriff the cause was decreed, Mr. Killican took him up, and observed, "That he, the said "Mr. Whittall, had acted as a judge by settling causes out of court, "and that he had been guilty of wilful neglect of duty;" adding, "He was surprized that the Court had so long looked over his beha"viour; but he thought his conduct in this cause scandalous, false, "and a contempt of the authority and honour of the Court, and he "thought the Court ought to take proper notice of it."

Immediately after the Court had dismissed Mr. Whittall from being an attorney of the said Court, Mr. May, the Register, produced in the Court a copy of the receipt signed by the plaintiff, drawn by Mr. Whittall, and given by the plaintiff to the Sheriff; whereby it appeared, that Mr. Whittall could not have given Mr. Droz the false information laid to his charge, "That the cause of Patrick M'Taggart was decreed," because there was an express clause in it which specified that the said suit was "*then depending*," as has already been exhibited in the true copy of it above recited; whereupon Mr. Morris drew up a minute of "*what he meant to say*," (as he expressed himself) in which minute he purposely left out that part of his information, namely, "That Mr. "Whittall had deceived and falsely imposed upon the said Simeon "Droz, and had fraudulently and falsely obtained the payment of the "sum sued for by the plaintiff, Patrick M'Taggart, from the said S. "Droz; by falsely acquainting the said S. Droz, that the said suit, so "commenced by the said Patrick M'Taggart, was decreed by the said "honourable the Mayor's Court; and that he, the said S. Droz, was "obliged to pay the amount thereof; and that by such deceit used by "the said Mr. Whittall only, he, the said S. Droz, was induced to pay "the same." For which false information Mr. Whittall had then

already

already been dismissed the court: which minute, so drawn by the said Morris, was then perused by all the members of that court, and re-drawn by the Register, with his, Morris's, assistance, and that of a clerk, or writer of the register; and was afterwards once more drawn up, by Alderman John Bathoe, and entered upon record in the said court, without the words above recited, which in fact had occasioned Mr. Whittall's dismission, or any assertion or intimation to such purport, or any way equivalent thereto.

The said Patrick M^cTaggart, being then present in the said court, and waiting to hear the issue of a certain other suit he had therein depending, wherein Mr. Alderman Miller was plaintiff and the said Mr. M^cTaggart defendant, Mr. Whittall also being employed therein as the defendant's attorney at law, and which suit was ordered to be heard that day; and although Mr. M^cTaggart was well known to be the same person who was plaintiff in the aforesaid suit against Mary Morgan, yet the court did not think fit to examine him touching the matter on which Mr. Whittall was dismissed, as aforesaid; and Mr. Whittall demanding of Mr. M^cTaggart, Whether or not he had told the Sheriff at the council-house that the said suit was decreed, and whether he had ever ordered him, Mr. Whittall, to withdraw the suit, and whether the costs of suit had been paid either by him or the sheriff? he answered, No: notwithstanding which, the court took no manner of notice thereof, in any of their minutes or proceedings; but proceeded to hear the suit between Mr. Patrick M^cTaggart and the said Alderman Miller, although Mr. M^cTaggart had no attorney to appear in the said suit, the said Alderman Miller sitting on the bench during the trial of his own cause, though his vote was not then collected.

Before the Court adjourned, Mr. Whittall applied to the Court, and to their Register, for copies of all the minutes of the several proceedings against him, in the divers causes and matters herein above recited; which however both the Court and the Register thought fit then to refuse.

On the 22d of August Mr. Whittall did, by his attorney Mr. George Sparks, present an humble petition to the Mayor's Court, praying for copies of the abovesaid minutes and proceedings, to be properly authenticated under the seal of the Court. But the Court would only grant copies of the order of dismission, &c. signed by the Register; and would not suffer the same to be authenticated under the seal of the Court, absolutely refusing to grant copies of the minutes mentioned in said petition, on which he had been actually dismissed; so that no part of such minutes appear on record.—Mr. Whittall a little time after

telling the said Register, that at some future period he would be called upon to produce the said minutes, was answered by the Register, "*That they were not in being.*"

Mr. Whittall thinking himself highly injured, not only by the Mayor's Court, but also by Mr. Morris, by the false and scandalous informations he gave the Court, and which indeed were the groundless cause of his dismission, did prepare, and by his attorney, Mr. Sparks, present a bill of complaint in the usual form against the said Morris, laying the damages sustained at 15,000l. sterling; and at a court held October the 3d 1769, present, David Killican, Esquire, Mayor, Messrs. Joseph Cator and Russell Skinner, Aldermen, leave being asked to file and read the said bill, according to the practice of the Court, the bill was ordered to be read, but the court would not suffer it to be filed: and when Mr. Sparks had gone through about one half of the bill, and came to that part of it, where mention was made (as has been noticed in this case) of Mr. Alderman Bathoe's correcting the minutes, and leaving out the very clause for which Mr. Whittall had been actually dismissed, that the same might not appear upon record; then Mr. David Killican interrupted him, and immediately insisted, that Mr. Sparks ought to be dismissed likewise for presenting such a bill of complaint; which would really have been the case, had not the other two Aldermen interfered: and Mr. Killican advanced, "That the "said petition and bill of complaint, wherein mention was made of "the said Alderman Bathoe on the bench altering and re-drawing the "minutes relative to Mr. Whittall's dismission (and leaving out the "clause abovesaid) was a reflection upon the members of the Court, "for which he (Mr. Sparks) ought to be punished." Whereupon Mr. Sparks informed the Court, "That he was an eye-witness of Mr. Ba-"thoe's correcting and re-drawing the minutes, as specified in the said "bill." But Mr. Killican in great rage replied, "That he should not "credit his senses; but that when he saw any member of that Court "write such minutes, he should give the lie to his senses and under-"standing, and suppose it was not such member, but the Register "who wrote them." And farther, the said David Killican, Esquire, (then Mayor) did prevail on the other two Aldermen to defer the filing of the said bill until the next court-day; at which succeeding court-day, the said Killican, the better to serve his purposes, got together the three Aldermen who, with himself, had dismissed Mr. Whittall on the 4th of August.

At the subsequent court-day, held on the 10th of October 1769, present the said David Killican, Esquire, Mayor, Messrs. Matthew Miller,

James Lawrell and John Bathoe, Aldermen (the same who had so illegally dismissed Mr. Whittall) and also Mr. Joseph Cator, Alderman, the said bill of complaint was called for by the Court, and without farther debate the question put; "Whether the bill should be filed or not?" David Killican, Esquire, Mayor, Messrs. James Lawrell and John Bathoe were of opinion, "That the bill contained many scandalous "and indecent reflections on the proceedings of the Court." And these three gentlemen (making a majority) rejected the bill, and would not suffer the same to be filed.

Mr. Matthew Miller and Mr. Joseph Cator, the other Aldermen, dissented from that opinion; and directed such their dissent to be entered upon record, which was entered accordingly.

At the same time Mr. Alderman Cator observed, "That it appeared "stated in the bill, and it was his opinion, that Mr. Richard Whittall "had been injured by an illegal dismission; and that if such dismission "could be proved by him to be illegal, he would certainly recover da-"mages, in any court of law that he should think proper to ap-"ply to."

Mr. Whittall being dangerously ill of a fever, occasioned by a fall, was advised to remove to Chandernagore, the French settlement in Bengal, where he might have the benefit of an eminent French surgeon's advice: and during his absence, Mr. May, the Register of the Mayor's Court, applied to the said Court for a warrant of execution against his, the said Mr. Whittall's effects, without any suit being commenced, or issuing out any summons for his appearance for his monthly register bills, (wherein are included, the Registers own fees, the Mayor's and Sheriff's fees, and the East India Company's dues on the proceedings) though these bills had not been delivered monthly according to custom, with a convenient time allowed for the collecting of the said monies from the clients; nor was the amount of such bills known by, or payment demanded of Mr. Whittall; and in which demand (of which affidavit was made by Mr. May) several false charges were made, particularly of other attornies bills, wherein Mr. Whittall was in no wise concerned, and *the motion for his own dismission*, which could not of right belong to him to pay for, &c. &c.

As soon as Mr. Whittall became acquainted with such proceedings, he entered into a bond, jointly with Mr. John Graham, for payment at a short period of Mr. May's demand: whereupon the warrant of execution was superseded, and the said bills delivered by the Register to Mr. Whittall; when, upon examination, Mr. Whittall found the several unjust charges aforesaid: and Mr. Whittall, and Mr. Graham his

 attorney,

attorney, began on his part to recover the amount of said Register's bills, and his own fees, from his respective clients.—It must be remarked, that it is often customary for the Registers to delay for four or five months the delivery of the aforesaid bills, and to send many of them together, from whence the attornies draw out their own demands on their clients; such Registers bills being included, as the clients are in effect to reimburse them.

Mr. John Holme, deceased, late Register of the court, having a like demand for the monthly bills (not then delivered) upon Mr. Whittall, the said Mr. Whittall gave a like security to the son, who was his administrator; and Mr. Whittall then lying ill, assigned over a considerable sum of money due from his clients (in which all the said Register's bills were also included) and several other demands. But the court, apprehending that the said Mr. Whittall, as soon as he should be recovered, would repair to England, to sue for redress of his manifold grievances, used every possible means to prevent his departure from the country: and well knowing, that he had debts due to him in the country, to the amount of upwards of 75,000 rupees, or above 9000 l. sterling, in order to detain Mr. Whittall, absolutely refused him the benefit of the law (to which as a British subject he had a right) in suing for, or recovering the same, or any part thereof in the Mayor's Court, where only in that part of India the matter was properly cognizable; nor would the court suffer Mr. Graham to recover the said bills so assigned over to him, in order to pay off the Register's demands, at the same time that others, the said May and Holme in particular, were suffered to sue and compel him to payment of what he was not allowed to recover again from his clients.

And at a court holden on Tuesday the 16th of January 1770 (present John Levett, Esquire, Mayor, and David Killican and Cornelius Goodwin, Esqrs. Aldermen) it was ordered, that Mr. John Graham the Deputy Register, and acting as attorney for Mr. Whittall, should acquaint the said Whittall, "That it was their opinion, he was no longer entitled to the benefit of the said Mayor's Court, being then out of its "jurisdiction," or words to that effect, though nothing of such matter was entered upon record.

And at another court, holden on the 23d of the said month of January 1770 (present John Levett, Esquire, Mayor, and the Aldermen Killican and Goodwin) William Atkinson of Calcutta, Gentleman, and one of the attornies of the said court, did according to the rules and practice of the court make, at the request of John Graham aforesaid, a regular motion for the grant of warrants of execution against the effects

of

of Kiſſenchurn Tagpor, and Ramſunder Banragee, on behalf of Mr. Whittall, for his own proper fees, for the Mayor's and Sheriff's fees, and for the fees of the ſaid Regiſter, and the Eaſt India Company's duties, with which Mr. Whittall had himſelf been charged by the Regiſter, which the ſaid court had compelled him to pay, and which of courſe were due to Mr. Whittall when attorney of the Mayor's court; but this motion the court did then and there reject for the reaſons they had before aſſigned, namely, "That he the ſaid Whittall was not entitled to the "benefit of the court whilſt he remained out of its juriſdiction;" though the ſaid bills were properly aſſigned over to Mr. Graham, who had a power in the aſſignment to recover the ſame among many others for the purpoſe of paying the Regiſter's as aforeſaid, Mr. Whittall being then confined by ſickneſs to his chamber at Chandernagore. Then Mr. William Atkinſon, at the requeſt of the ſaid Mr. John Graham, did move, that the ſaid motions ſhould be entered upon record; but this motion likewiſe the court thought fit to reject, although the ſaid motions were publicly made in open court. Whereupon affidavits were prepared for Meſſ. Atkinſon and Graham reſpectively to ſwear to, regarding the ſame; and the aforeſaid John Graham went to the houſe of Mr. Joſeph Cator, Alderman, and requeſted he would ſwear him to the truth of the contents of ſuch affidavit, who deſired Graham to give it to him in open court, and then he would ſwear him thereto: but Mr. Whittall embarked for England before he received any farther account of that matter; by which means the ſum of 75,000 rupees, or above 9000l. juſtly due to Mr. Whittall, muſt be greatly hazarded, if indeed not totally loſt, by reaſon of the frequent deaths and bankruptcies which of late a ſhort period of time often produces in thoſe parts, or of his debtors leaving Bengal before Mr. Whittall can poſſibly expect redreſs in England.

In conſequence of the abovementioned proceedings, Mr. Whittall did apply to the Governor and Council at Calcutta for permiſſion to return to England, and having obtained ſuch leave, embarked on board one of the Eaſt India Company's ſhips, and is arrived in England, in order to obtain redreſs for his grievances above recited: and he deſires your opinion of his caſe in anſwer to the following queries.

1ſt. As Mr. Whittall, an attorney of the King's Bench, was duly admitted and ſworn an attorney of the Mayor's Court of Calcutta, he preſumed he had a freehold in his place, it being an office concerning the public juſtice, and he compellable to be an attorney for any man. Had the ſaid Mayor's Court, therefore, a right to diſmiſs Mr. Whittall from being

being an attorney of that court, for the reasons mentioned, without any proof at all, and without giving Mr. Whittall any notice, or time, to make his defence, and which said order is not only false, but contradictory upon the face of it; and in what manner is it advisable for Mr. Whittall to proceed, in order to get himself reinstated, and also to recover the damages he has sustained by reason of the dismission?

2d. In order to recover the payment of the several sums of money due to him in Bengal, whether would it be proper to impeach the members who dismissed him, and who refused him the benefit of the law, in rejecting his bill of complaint against Morris, and would not permit him to sue for his just demands upon people in Bengal, in their judicial capacity, or to proceed against them in the Court of King's Bench, by way of information? and will not an action lie against the aforesaid members for damages? and if so, where is the same to be brought? And as no appeal lies from the said order of dismission, or (as it is apprehended) from the said court's rejecting the bill of complaint against Morris, or refusing Mr. Whittall the benefit of the law, in not suffering him to sue for his just demands, to the Governor and Council at Calcutta, (who are constituted a Court of appeals) may not Mr. Whittall appeal directly to the King and Council in England? or in what other manner can he proceed to obtain justice?

3d. The charter granted, establishing a Mayor's Court at Calcutta, after specifying the authority given the said court to appoint clerks and officers, and to do all such other things as may be found necessary to the administration of justice, proceeds in the following manner:

" So as they from time to time give an account thereof unto the said " Company, and so as the same shall be subject to the approbation, " controul, and alteration of the said Company, under the hands of " thirteen or more of the Court of Directors of the said Company, " whom we do likewise will and ordain to have full power and autho- " rity to make such rules and orders for the better administration of " justice, as they shall from time to time think fit and necessary; but " such rules and orders, so to be made by the said Mayor's Court, *so* " *far as the same shall not be repugnant to any rules or orders made by the* " *said Company or their Court of Directors* (as aforesaid) shall neverthe- " less be in force, *until the same shall be revoked or altered by the said* " *Court of Directors*, or any thirteen or more of them, and notice there- " of given to the said court."

And

And it is also ordained by sundry acts of parliament, "That all persons whatsoever in the East Indies, being guilty of oppressing any of "his Majesty's subjects, or of any crimes or offences, such oppressions, "crimes, and offences may be enquired of, heard, and determined, "in his Majesty's Court of King's Bench in England; and that the same "and all other offences committed against the said acts, may be alledged to be committed, and may be laid, enquired of, and tried "in the county of Middlesex."

In consequence of said charter, and statutes, the charter expressly conveying with it the laws of England to Bengal, are not such offenders liable to prosecutions in the Court of King's Bench as soon as they return to England? And as the said Mayor's Court are by the said charter under the immediate direction of the Company in England, upon Mr. Whittall's having applied to the Court of Directors to be reinstated, if they should not think fit to comply with his just request, will not an appeal then lie from the said Court of Directors to the King and Council, or to the Court of King's Bench; and will not the Court of King's Bench, upon a motion, properly grounded upon affidavits, grant a *Mandamus* to restore Mr. Whittall to his office? or what other remedy or means of redress remain to Mr. Whittall for the many injuries which he has sustained, and how is it advisable for him to proceed?

4th. Would it not be advisable for Mr. Whittall to petition the Parliament for an enquiry into the conduct of several of the members of the Mayor's Court, against whom he can clearly prove a conspiracy to injure him, and many most illegal and partial proceedings, calculated merely for their own private emolument, and to the great grievance and oppression of his Majesty's subjects in Bengal?

Mr. Dunning's Opinion.

Mr. Whittall, upon this state of his case, appears to have been very hardly and injuriously treated. The order for dismissing him was a gross act of injustice; not merely because neither of the facts charged upon him as the grounds for his dismission were proved, but as they were in truth both disproved by the very evidence referred to as the proof of them; the receipt or memorandum, signed by M^c^Taggart, of the 4th June 1768. First, as to the supposed imposition on Mr. Droz, the Sheriff, by a false pretence that a decree had been actually obtained against him for the money due from the defendant in the original cause, whom he had suffered to go at large after having arrested her. Though

it is certain that he was in law liable to the plaintiff's demand in consequence of his own misconduct, and Whittall might very properly tell him so: it was impossible he could say, with any expectation of being believed, that a decree had been actually obtained, or that Droz, if he had been told so, could believe it; for he who himself was an officer of the court, must know that he had no notice of such an action: and I suppose it is not the practice of the court to make decrees against men without giving them an opportunity of being heard in their defence. But further, the receipt, or memorandum referred to mentions nothing of any decree or suit against the Sheriff: on the contrary, it mentions the original cause as still depending, and provides for putting an end to it, and nothing more; and it is not to be doubted, but that provision would have been extended to the cause against the sheriff, if he had been made to understand that any such had been commenced. Secondly, As to the other ground, which is, that he had not withdrawn the suit, pursuant to his client's engagement, on the next court day, it is obvious that, taking the whole receipt or memorandum together, the withdrawing the suit, as well as the delivering up the bond, were meant (as they ought) to depend upon the payment of the costs; not to mention, that if it were otherwise, it would afford no ground of censure on Mr. Whittall or his client, since neither Mr. Droz or Mrs. Morgan had sustained any injury by his not withdrawing the cause, no step having been taken towards prosecuting it further. In this situation Mr. Whittall's proper course to get himself reinstated, is to lay a full representation of his case before the Court of Directors, who will probably refer it to their counsel; and, in that case, I have no doubt but they will be advised to restore him to an office of which he has been thus arbitrarily and groundlessly deprived. If the Directors should refuse to redress him, which I cannot suppose, it will then be time enough to consider the other questions.

Lincoln's Inn,
16th March 1771.

J. DUNNING.

N° XXVIII.

Nº XXVIII.

The Petition of Mr. Richard Whittall to the Honourable Court of Directors of the East India Company,

HUMBLY SHEWETH,

That your petitioner, having obtained permission from this honourable Company to go out to India as a free merchant, some time in April 1764, sailed for Bengal, in order to reside at Calcutta; but that soon after his arrival the President and Council there having restricted free merchants from trading in the country, and your petitioner being one of the attornies of his Majesty's Court of King's Bench, petitioned the honourable the Mayor's Court at Calcutta aforesaid to be admitted to practise in that court; and was accordingly duly admitted, and sworn one of the attornies thereof, agreeable to the practice of the said court, as by a copy of his admittance, ready to be produced, will appear; where he, by his diligence and behaviour, acquired great reputation, and by his practice procured a genteel income:

That your petitioner is informed, that the Mayor's court at Calcutta aforesaid is by his Majesty's charter appointed a Court of Record for hearing and determining all civil suits, actions, and pleas, with power to appoint officers and ministers, and the court is enjoined to adhere strictly to the laws of England in all such matters as should come before them for their determination: which charter, after specifying the authority to the said Mayor's Court to appoint clerks and officers, &c. and to do all such other things as may be found necessary to the administration of justice, proceeds in the following manner; " So as they from " time to time give an account thereof unto the said Company, and so " as the same shall be subject to the approbation, controul, and al- " teration of the said Company, under the hands of thirteen or more of " the Court of Directors of the said Company; whom we do likewise " will and ordain to have full power and authority to make such rules " and orders, for the better administration of justice, as they from time " to time shall think fit and necessary; but such rules and orders, so " to be made by the said Mayor's Court, so far as the same shall not " be repugnant to any rules or orders made by the said Company or " their Court of Directors as aforesaid, shall nevertheless be in force " until the same shall be revoked or altered by the said Court of Di-

" rectors, or any thirteen or more of them, and notice thereof given
" to the said court:"

That about June 1767, your petitioner was employed by Patrick M'Taggart of Calcutta, merchant, as his attorney, to recover in the Mayor's Court the sum of 2075 Arcot rupees, which was due to him upon a bond from Mary Morgan, an inhabitant of Calcutta; and your petitioner, at the request of the plaintiff, exhibited and filed a bill of complaint in the Mayor's Court there, in the usual form, on the 26th of June in that year, against the said Mary Morgan; who being summoned, employed Thomas Morris of Calcutta aforesaid as her attorney in that suit; and on the 18th of August, your petitioner, by direction of his client, took out a warrant to hold the defendant to bail, on the usual affidavit being made by the plaintiff; which warrant, on or about the 21st day of August, was returned executed by Simeon Droz, Esquire, then Sheriff; who did, of his own accord, and without any authority from the Mayor's Court, or notice, or bail given to the said Court, or to your petitioner or his client, voluntarily release the said Mary Morgan out of his custody, contrary to the usages and customs in such case generally observed: of which your petitioner informed the Court, and solicited another warrant, in order to avoid litigation with the Sheriff; which motion the said Court rejected, as will appear by the record, deeming the Sheriff liable to pay the debt: and thereupon the plaintiff made application to the Sheriff, and informed your petitioner, that the Sheriff was ready, on having a proper receipt, to discharge the same: and moreover, on the 21st March 1768, the following letter was received by your petitioner from the said Sheriff:

" SIR,

" Please to acquaint me what are the particulars of Mr. M'Taggart's
" demand on Mrs. Morgan, and how much the whole amounts to.

" I am, SIR,

" Your most obedient,

" Monday, the 21st March 1768. " S. DROZ."

" To Mr. Whittall."

That, a short time after, your petitioner and his client accidentally met with Mr. Droz at the council-house at Calcutta, who began speaking upon the subject; when your petitioner civilly acquainted the Sheriff,

2 that

that he having without authority, or notice given, of his own accord, discharged the defendant out of custody, your petitioner apprehended he was become liable to the debt: on which he answered, he would pay it on a proper receipt being given to him by Mr. McTaggart, and that he had taken, or would take, from the defendant, a mortgage of a garden to indemnify himself; which mortgage it since appears was actually prepared by Mrs. Morgan's attorney, Mr. Morris, and in consequence of this conversation the plaintiff requested your petitioner to draw up a receipt, which he accordingly did as follows:

" Calcutta, 4th June 1768.

" Received of Simeon Droz, Esquire, the sum of two thousand and " seventy-five Arcot rupees, being the principal sum due unto me on " a certain bond executed by Mary Morgan; and also the sum of two " hundred and eighty-six Arcot rupees and five anas, being sixteen " months and thirteen days interest on the said bond, at the rate of ten " per cent. per annum; *for which a suit is depending in the honourable " the Mayor's Court, where the said original bond is filed;* and I do " hereby promise to deliver up the said bond uncancelled unto " the said Simeon Droz, *upon his paying me the costs of suit in the " said cause*, as witness my hand; and I do hereby further promise to " withdraw the suit on Tuesday next.

" PAT^K McTAGGART."

And this receipt was signed by the plaintiff, McTaggart, and the Sheriff some time afterwards paid the money; since which no instructions were received by your petitioner from his client, nor was any motion made relative to the said suit; neither was your petitioner acquainted, till a considerable time after, that his said client had received the sum above specified; nor are the costs of suit to this day paid to your petitioner, nor to his client, as far as he knows, or believes.

That at the opening of the Court on the 4th of August 1769, Mr. May, the Register, read a report of the Examiner to the Court, " That " two witnesses had been examined in the cause of McTaggart " against Morgan:" (a circumstance which indeed happened prior to the date of the receipt herein above recited, and they were examined by an order of Court, by reason of their being about to leave Calcutta.) Whereupon your petitioner, as attorney for the plaintiff, naturally acquainted the Court, " That the said cause was ended, that he had " no instructions to proceed, the Sheriff having, without any authority,

 " released

"released the defendant out of custody, when confined for default of "bail, upon a warrant; and had actually paid, or agreed to pay the "debt for the defendant, as your petitioner presumed the law in "such case obliged him to do." Whereupon Mr. Morris, the defendant's attorney, informed the Court, "That your petitioner had "deceived and imposed upon Mr. Droz, and had fraudulently and "falsely obtained the payment of the sum sued for by Mr. McTaggart "from Mr. Droz, by falsely acquainting Mr. Droz, that the suit "commenced by Mr. McTaggart against the said Mary Morgan was "decreed by the Court, and that Mr. Droz was obliged to pay the "amount thereof; and that by such deceit used by your petitioner "only Mr. Droz was induced to pay the same; and that the original receipt was wrote, as he believed, in the proper hand-writing of your "petitioner, and signed by the complainant; all which he would "prove to be true," or words to the like effect: which were thereupon immediately taken down by the Register, and read over to the Court. And although your petitioner denied the same or any part thereof to be true, excepting that he drew up a receipt in behalf of the plaintiff, Mr. McTaggart, and acknowledged the conversation which passed between him and the Sheriff, when he told him in the council-house, that he apprehended he was become liable to the debt, as herein above recited; NOTWITHSTANDING all this, the said Mayor's Court, without farther debate, after privately consulting one another when sitting upon the bench, dismissed your petitioner from acting or practising any longer as an attorney of their said court.

A Copy of the order of your petitioner's dismission, as the same stands upon record, is in the following words:

"Calcutta, Friday the 4th day of August, in the year of "our Lord one thousand seven hundred and sixty-nine.

"At a Court held,

"Present,

"David Killican, Esquire, Mayor,

"Messieurs { Mathew Miller, James Lawrell, John Bathoe, } Aldermen.

"Patrick

" Patrick McTaggart
" against
" Mary Morgan.

" The Register reported, That John Morgan " and Sebastian Cordeiros, witnesses for the " complainant, are examined by Mr. John " Holme, the late Examiner of this Court.

" Mr. Richard Whittall, the complainant's attorney, acquainted the " Court, That this cause was ended. Mr. Morris, attorney for the " defendant, informed the Court, That this cause was yet pending, " and had never been withdrawn, which would appear by a copy of a " receipt exhibited in this cause (the original prayed for, and admitted " to be produced and proved at hearing of this cause): That the com- " plainant had, by deception used, received from Simeon Droz, " Esquire, the principal and interest of a bond of the defendant, sued " for by the complainant in this cause; and that was without the know- " ledge and consent of the defendant or her attorney at law. Mr. " Morris further informed the Court, That the said original receipt is " wrote, as he believes, in the proper hand-writing of the complainant's " attorney at law, and signed by complainant himself. The complainant's " attorney, the said Richard Whittall, acknowledging the same to be " an exact copy of the receipt drawn up in his own hand-writing, and " signed by his client, whereby he engages to Mr. Droz to withdraw " this suit on the ensuing court-day; which the said attorney Mr. Ri- " chard Whittall not only wilfully neglected to do at the next sitting " of the Court, but has suffered the suit to remain depending in Court " to this day. The Court, on due consideration of this matter, are " unanimously of opinion, That the said Richard Whittall's method of " obtaining the sum of the said Simeon Droz was an irregular proceed- " ing, no decree having then passed in Court in favour of his client's " demand: that his neglecting to inform the Court of his having re- " ceived the said sum of the said Simeon Droz, and also neglecting to " desire the said suit then depending to be withdrawn, agreeably to his " client's obligation to the said Simeon Droz on receipt of said sum, " is a manifest abuse of his duty as an attorney of this Court, an un- " justifiable procedure with the said Simeon Droz, and an insult to the " authority of this Court; and as the said Richard Whittall has, in the " course of his transactions of the business of his office, frequently me- " rited and received the severe reprehensions of this Court, and as it is " too evident that their admonitions have had no weight in bringing " him to a proper sense of his duty in the discharge of his office of at- " torney of this Court;

" The

" The Court are now of opinion, that he no longer deſerves their " indulgence, and do accordingly diſmiſs him from acting any longer " as an attorney of this Court.

" A true Copy.

" Auguſt 14th, 1769. " J. MAY, regiſter."

That before the Court adjourned, your petitioner applied to the Court and to their Regiſter for copies of all the minutes and proceedings againſt him herein above recited, which however both the Court and regiſter thought fit to refuſe. And on the 22d of Auguſt your petitioner did, by his attorney Mr. George Sparks, preſent a petition to the Mayor's Court, praying for copies of the abovefaid minutes and proceedings, to be properly authenticated under the ſeal of the Court: but the Court would only grant copies of the order of diſmiſſion, ſigned by the Regiſter, and would not ſuffer the ſame to be authenticated under the ſeal of the Court; abſolutely refuſing to grant copies of the minutes mentioned in the ſaid petition, on which he had been actually diſmiſſed: ſo that no part of ſuch minutes appear on record. Your petitioner a little time after telling the Regiſter, that at ſome future period he would be called upon to produce the ſaid minutes, was anſwered by the Regiſter, " That they were not in being."

In conſequence of the above-mentioned proceedings, and the bad ſtate of health your petitioner was then in, he applied to the Governor and Council at Calcutta for leave to return to England, and embarked on board The Anſon, one of the ſhips employed in the ſervice of the ſaid Honourable the United Company; and being arrived in England hopes to obtain that ſatisfaction which his caſe requires from this Honourable Court.

Your petitioner therefore hopes, from the juſtice of his caſe alone, that this Honourable Court will afford him an opportunity of laying before them the proofs of what your petitioner hath herein ſet forth; and that this Honourable Court will be pleaſed to reverſe the ſaid order of diſmiſſion, and reinſtate your petitioner in his office of one of the attornies of the Honourable the Mayor's Court at Calcutta, for the following

REASONS:

REASONS:

First, Becauſe your petitioner having been duly admitted and ſworn an Attorney of the Mayor's Court at Calcutta, he preſumes he had a freehold in his place; and conſequently could not be legally diſmiſſed without a proper and ſufficient complaint of ſome miſbehaviour in him, verified upon oath, with a proper and ſufficient time allowed him for making his defence, which was not obſerved; but the ſaid Court proceeded to diſmiſs him without any charge properly exhibited againſt him, or verified by oath; without any time allowed him for making his defence; without any proof whatſoever; and without any ſufficient cauſe alledged.

Secondly, Becauſe the reaſons given in the order of diſmiſſion, if true (which, on the contrary, your petitioner does not admit) contain no legal cauſe of removal or diſmiſſion of your petitioner; for it appears only, that your petitioner acted as his duty to his client required: and if any deception was uſed to the ſaid Mr. Droz, the order ſtates, that that deception was not uſed by your petitioner, but by his client, the complainant in the ſaid cauſe; which charge againſt the complainant your petitioner by no means admits: but inſiſts, as the truth is, that no deception whatever was uſed by your petitioner or his client to the ſaid Mr. Droz. And as to the charge in the ſaid order againſt your petitioner, for not informing the Court that the ſaid complainant had received the ſaid ſum of money of Mr. Droz, your petitioner doth aver that he was not directly or indirectly authorized by his client to withdraw the ſuit; nor were the coſts of ſuit paid either by his client or the Sheriff; and no expences whatever accrued to either plaintiff or defendant, nor to the ſaid Simeon Droz; and no perſon whatever was prejudiced on that account.

Thirdly, For that in the ſaid order of diſmiſſion, the cauſes for which he is therein ſaid to have merited and received the ſeveral reprehenſions of the ſaid Court, are not aſſigned, and which your petitioner humbly inſiſts ought to have been done, in

order

order to enable the ſaid Company to form a competent judgment thereof; and that the ſilence of the ſaid order, in this reſpect, carries with it this plain inference, either that no ſuch cauſes ever exiſted, or that the ſame were ſo trivial or groundleſs, as not to bear examination.

And your petitioner ſhall ever pray, &c.

London, 1ſt March 1771. RICHARD WHITTALL.

N° XXIX.

Copy of a PROCLAMATION, iſſued at *Calcutta*, by the Governor and Council. Dated the 18th May 1768.

Fort William, 18th May 1768.

Notice is hereby given, That after the expiration of Two Months, from the 27th April, no gomaſtahs employed by the Engliſh ſhall be permitted to remain in any part *out* of the provinces of Bengal, Bahar, and Oriſſa: and after that period, that no Company's ſervant, free merchant, or other European reſiding under the Company's protection, ſhall be ſuffered to carry on any inland trade, directly or indirectly, *beyond* thoſe limits, under penalty, if a Company's ſervant, of being immediately diſmiſſed the ſervice; if a free merchant, or other European, of forfeiting the Company's protection: and that if any Europeans whatſoever ſhall attempt to tranſport any merchandize *beyond* the provinces, all ſuch merchandize ſhall be ſeized, and confiſcated, and the gomaſtahs, having charge of ſuch contraband trade, ſhall be puniſhed with the utmoſt ſeverity.

All Armenians, Portugueſe, or the deſcendants of Armenians and Portugueſe, living under the Company's protection, are included in the above reſtrictions. It being intended, that none but *the natives* of the country (Muſſulmen and Hindoos) ſhall in future enjoy this privilege.

SIMEON DROZ, ſecretary.

I John

I John Holme, Notary Publick, dwelling and practising at Calcutta at Fort William in Bengal, do hereby certify and attest, that the within writing is a true copy of a paper affixed to the door of the town-hall of Calcutta aforesaid, carefully collated by me with the original, exhibited to me for that purpose.

In faith and testimony whereof, I have hereunto set my hand and seal, at Calcutta, the first day of July, in the year of our Lord one thousand seven hundred and sixty-eight.

(L. S.) (Signed) JOHN HOLME, Notary Publick.

N° XXX.

A NARRATIVE of the Cases of BENJAMIN WILDING and JOHN PETRIE of BENGAL, Esquires, as contained in a letter from an Officer there to his friend in ENGLAND.

" As no doubt the actual resignations of most of the officers in Bengal will make a great noise in England, and many forced and unfair constructions be put on their conduct, it may not be unnecessary to say something on that head: and by laying open the real causes and consequences of that melancholy event, drive the film from before the eyes of the ignorant, satisfy the unprejudiced, and at least stop the clamorous tongues of the enemies of virtue and honour.

In a former letter I have endeavoured to expose the sophistical reasoning and impolitic conduct of the Select Committee, in absolutely driving the officers to despair, by taking off the BATTA *, and destroying every advantage which could make the life of a soldier tolerable in this country. What made the measure appear more odious was, that this œconomical reduction was enforced by men who had seen and felt the inconveniencies of a subordinate station in this country; who were now sharing the *spoils* of the *public* largely among *themselves*, regardless of the distresses of the very army which had been the immediate instruments of their elevation and good fortune: for considering the emoluments which those gentlemen were cutting out for themselves, and the

* This was an additional allowance, which the officers from established usage received, when on actual service in the field.

 immense

immenſe and aſtoniſhing ſums allowed to be laid out at the Company's expence in making even the private roads to the garden-houſes of the Counſellors, ſurely they would have more modeſty than to plead the ſaving of the Company's treaſure as their object.

Conſequently, when the orders for reducing the Batta of the officers were iſſued from the Select Committee, they filled the heart of every officer with ſurprize and indignation; more eſpecially as they followed hard upon the concluſion of the campaign of 1765, which, as it had been the fartheſt removed from our factories and ſettlements, had conſequently been the moſt expenſive for the officers that had ever been made by any Engliſh army in Bengal; the officers being obliged to have their baggage tranſported upon mens heads over an extent of upwards of 800 miles, at the rate of 5 l. per month for every cooley employed. This enormous expence had drained the pockets of every gentleman who had nothing to truſt to but his pay: and I believe I am not miſtaken when I affirm, that nine out of ten of the officers were in debt when the army went into quarters; and I myſelf have heard General Carnac declare (when panting for freſh water, and obliged to drink that from the wells in which dead carcaſſes had been for ſome days laying) that triple batta was too little for ſuch horrible fatigue.

It is ſcarcely poſſible to imagine a period more injudiciouſly choſen to carry a retrenching ſcheme into execution, than that which the Secret Committee pitched on for this. The officers, drained of money, and ſmarting from the fatigue of a tedious and expenſive campaign, undergone at that great diſtance from the preſidency during the hot ſeaſon, ſeeing themſelves not only precluded from all ſhare in the rich fruits of their very eſſential ſervices, but even curtailed in their old eſtabliſhed advantages, without any proſpect of redreſs, if they tamely ſubmitted to the arbitrary terms impoſed upon them, while even want ſtared them in the face: for at the time I am ſpeaking of ſuch was their miſery, that they could not even pay for cloaths: to which a friend of mine bears a melancholy teſtimony, having loſt about 3000 rupees by furniſhing them with regimentals, by order of the General.

This was preciſely the caſe of the officers in Bengal at that time. When, therefore, thoſe orders reached the different brigades, a thouſand reſolutions were formed and abandoned in a day, from the different paſſions, capacities, and views of the people concerned; but all agreed in calling out for redreſs, and thinking that ſomething muſt be done to ward off their impending diſtreſs.

As I was of the firſt brigade, I muſt confine myſelf to ſpeak of what paſſed there, and the conſequences accruing to individuals in that corps.

You

You know, it was General Carnac's brigade; but under the command of Sir Robert Fletcher, and ſtationed at Mongheer; conſiſting principally of the officers who had been in all the ſervice of the year 1765, and who were conſequently ready to cry out firſt againſt any retrenching ſchemes. In the firſt tranſports of rage, many officers propoſed at once to abandon the ſervice of ſuch ungrateful maſters, and leave them to find officers better qualified for living upon rice and water; but this was over-ruled, and a propoſal made for addreſſing the Governor and Council, in a becoming memorial, ſetting forth the diſtreſſes which the new regulation would inevitably occaſion to the officers, and praying for a ſuſpenſion at leaſt of the order, till the affair could be repreſented to the Company at home. This, after ſome debate, was agreed to; and the following paper was drawn up and forwarded to General Carnac, to be by him delivered in to the Board; viz.

" To the Right Honourable the Preſident and Council.

" GENTLEMEN,

" It is with the greateſt reſpect we now preſume to lay before your " Board, the hardſhips we labour under ſince the reduction of our " former allowance, and we flatter ourſelves, that what we ſhall now " offer, will appear reaſonable, and induce the Board to comply with " this our moſt humble requeſt.

" We beg leave to repreſent, that we find the quarter batta inade- " quate to the unavoidable expence attending the character of an of- " ficer. The extraordinary batta allowed in this eſtabliſhment, in pre- " ference to the other eſtabliſhments, only puts us on the ſame footing " with them, as it is well known that European commodities, which " we moſt want, are ſold forty or fifty per cent. dearer here than at " either of the ſettlements of Madraſs or Bombay, and the difference " is nearly the ſame between this place and the preſidency; as likewiſe " ſervants wages, and moſt other neceſſaries bear the ſame proportion; " ſo that we hope, ſetting forth the preſent allowance not to be a pro- " per ſubſiſtence, will not appear an unjuſt repreſentation, but a notice " ſufficient for a repeal of the order of the firſt of January.

" Were we to enumerate the ſevere hardſhips we endured the laſt " campaign, we flatter ourſelves mentioning that alone, and the irre- " parable hurt our conſtitutions have ſuffered from a climate ſo preju- " dicial to every European, would have ſome weight, ſhould we requeſt " the former allowance, on the ſame footing of an indulgence; but " we hope the above ſhort repreſentation of facts will ſuffice, leav-

"ing to your own known candor and impartiality, to ſuggeſt what elſe
"we might advance to induce you to a compliance with this our moſt
"reſpectful requeſt. We have the honour to ſubſcribe ourſelves, with
"the greateſt reſpect," &c.

The General wrote the officers a ſevere reprimand for applying to him, and the Board did not deign to give even an anſwer to their memorial. Thus cavalierly treated, they became inflamed beyond meaſure; and about the middle of April 1766, they came to a ſudden reſolution to gain their point, or elſe to reſign the Company's ſervice on the 1ſt day of May next; but in ſuch a manner as to give the leaſt cauſe for complaint againſt them, or for diſturbance among the men; nay even to ſerve as volunteers, ſhould it be deſired, until other officers could be collected to take charge of the troops.

The world will not be ſurprized when they hear this meaſure vilified and condemned by thoſe very people who had brought it about, by their oppreſſive and tyrannical behaviour to the officers; and I make no doubt that every art will be uſed to render it odious in the eyes of the public; ſince they endeavoured with equal impudence and falſity to make it be believed here, that the view of the reſignation was to unhinge the government, and ſend the Select Committee priſoners to England. Such an abſurd and ridiculous ſcheme could only proceed from their own puſillanimity and conſcious wicked hearts. Had this revolution ever entered into the minds of the officers, they had nothing to do but to have remained quiet, and the men (to uſe their own phraſe) would have *righted* both themſelves and their officers; for towards the end of April, there were ſeveral meetings diſcovered among the ſerjeants and common men, and but too much reaſon to believe, that they would not part with their officers very eaſily. The moment this was diſcovered, I can affirm, that it was ſteadily and effectually diſcountenanced by every officer who was acquainted with the circumſtances; who, to a man, would ſooner have given up every conſideration than have ſeen or connived at any diſturbance among the men, however much it might contribute to the advantage of the cauſe they had engaged in; and to this, I dare ſay, the then commanding officer, Sir Robert Fletcher, will bear witneſs, from every part of their behaviour towards him and the Company. Indeed ſo very cautious were they of giving their natural enemies any room to attack their characters on that ſcore, that Captain Wilding and Lieutenant Petrie, with the knowledge and by the deſire of the other officers, waited upon the commanding officer, and, under neceſſary reſtrictions, acquainted him

with

with their suspicions; nay, assured him, in the name of the whole, that they were ready to sacrifice their lives, and every thing else, in support of the authority of the Company over their troops and possessions. And when it was found expedient to divide the brigade, more effectually to prevent any evil consequences from the resignation, the officers actually marched out with the men, at their own expence and risk, and encamped at some distance from the fort, till they were ordered to quit the country; which they as readily obeyed, as they had done any former order under very different circumstances.

From all these facts, I am certain, the unprejudiced part of mankind will believe, that the bloody intentions of the officers had no existence but in the brains of their oppressors. This, however, is not at all extraordinary, since it is well known, that in all ages and states, tyrannical governments have found it easy, and sometimes necessary, to trump up imaginary plots and seditions to serve wicked turns, and throw a thin veil over their own actions, by colouring oppression with the face of necessary severity.

On the 1st of May, the following letter, signed by every officer in the garrison, the Brigade-major excepted, was sent to the commanding officer, accompanied with every gentleman's commission; viz.

" To Lieutenant Colonel Sir Robert Fletcher, comanding the first Brigade at Mongheer,

" SIR,

" That we might put it entirely out of the power of either the world " or our own consciences to condemn us, for desiring leave to resign " our commissions in the Honourable Company's service, we have served " four months in obedience to the orders of the 31st December, and " are now but too well convinced, that our former suspicions were " true; for notwithstanding the proposed reduction of servants wages, " and diminishing every unnecessary attendant, we find we cannot " live upon the present allowance, but must run in debt every month, " as long as we have any credit. We must appear upon the parade " as becomes officers, and keep up our respective ranks, or disobey " public orders. We must eat and drink as befits the climate, or fall " sacrifices to hunger and sickness; and to do all these only in mo- " deration, we must run ourselves in debt to every one who will give " us credit, be they gentlemen or the lowest of the creation; and so " fall under the lash of another article of war, for behaving unlike " gentlemen.

" You

"You know, that we have applied for redress in the humblest manner, and that it has been refused us: it is needless for us here to call upon you for a witness of our attachment to the service; our behaviour through a series of campaigns must bear down all slander. Many of us have eat the Company's bread for some years, and are deeply concerned that we can no longer do it with honour; all of us are sorry to be obliged to take this method of preventing ruin and misery falling upon ourselves and connections, and we sincerely wish that our masters may meet with a set of officers as much devoted to their service as we have always wished to prove ourselves, and who may maintain the Company's affairs, to the latest posterity, in that splendor to which we have happily raised them. But unless the pay and emoluments of their troops are again restored to what they were in July and August 1763, our prayers are all we can now give them.

"As it is from principle we now resign the service, it would give us the greatest uneasiness should the Company's affairs suffer by so sudden a resignation. We have, therefore, resolved to serve till the 15th of this month of May, without pay of any kind, or being esteemed officers in their service; when an answer may be had from those gentlemen of the Council who we know have the power of redressing us, or of filling up our places with other officers, provided you desire it. It would make us truly unhappy should any disturbance arise among the men from this affair being known to them: we, therefore, beg you will take the necessary precautions of keeping all quiet; and as we are to receive no pay, you will be so good to give the pay-master directions for leaving the abstract for the non-commissioned and private men unsigned.

"Our commissions accompany this; which we beg you will keep, and believe us to be with respect,

"SIR,

"Your most obedient humble servants."

Mongheer, May 1st 1766.

To which letter the commanding officer returned the following answer.

"Mongheer, May 1st 1766.

"GENTLEMEN,

"I have received your letter of this date, together with your commissions; and shall, agreeable to your request, take the most expe-

 "ditious

"ditious method of obtaining you an anſwer from our ſuperiors. I "agree with you in thinking it better, that the ſoldiers remain ignorant of the meaſure you have taken; and I deſire you will continue "to do duty as officers, according to your former reſpective ranks, "until we know the pleaſure of the Governor and Council.

"I am, with regard,

"GENTLEMEN,

"Your moſt obedient, and humble ſervant,

(Signed) "ROBERT FLETCHER."

The ſame evening it was expedient for half of the troops to be marched out of the garriſon, as if going upon an expedition, and to encamp at ſome diſtance from the fort: in conſequence of which every thing remained quiet till the 6th inſtant, when Captain Wilding and Lieutenant Petrie were made priſoners, and ſent down to Calcutta, as was ſaid, by orders from Lord Clive, and their going to the Colonel (as mentioned above) was the aſſigned cauſe.

This, though perhaps not the firſt, is a ſtriking inſtance of the unmeaning cruelty of the Bengal government at that period: and it cannot but amaze every thinking perſon, that two gentlemen ſhould be ſubjected to all the inconveniencies which would have attended the moſt enormous crime, only for being too zealous in their duty, and too nice in their notions of honour, towards maſters prepared to uſe them with ſuch harſhneſs. For however trifling a thing it may now appear, their waiting upon Sir Robert Fletcher, to inform him of their ſuſpicions of a mutiny, was at the imminent riſk of their lives; as muſt be viſible to every one acquainted with the articles of war, to which they were undoubtedly ſubject till they had actually reſigned the ſervice. Whatever inconveniencies the paſſive behaviour of thoſe two gentlemen ſubjected them to, it had this good effect: it convinced the world, that the fine ſtory of plots and ſeditions had not the ſmalleſt foundation in truth; for it was not without the moſt earneſt ſolicitations, that thoſe gentlemen prevented the whole brigade from accompanying them in a body to Calcutta; or, ſword in hand, reſcuing them from their confinement, which they could not help thinking injuſtice; ſince every man has a right, an undoubted right, to reſign that employ in which he is only a monthly ſervant, and cannot ſubſiſt upon his monthly allowance, without being ſubjected to the miſeries of a felon or deſerter.

Soon

Soon after Captain Wilding and Mr. Petrie had left Mongheer, the confidence between the officers and the Colonel ſeems to have decreaſed gradually, till it ended in an order for ſeven or eight of the officers to leave the garriſon inſtantly, and proceed to Calcutta; and almoſt in the ſame breath a general order was iſſued for the whole to leave the diſtrict of Mongheer in one hour's time, or they would be driven away by an armed force, and eſteemed enemies to their country.

Whether this was an order of Lord Clive's, who was then upon his way to Patna, or whoſe it was, I own it is not my buſineſs to enquire; but wherever it falls, it ſhould leave an indelible blot, and will, I hope, ſtamp the names of the authors of it with eternal infamy. The tenderneſs of a tyger muſt poſſeſs that breaſt which could unconcernedly ſee the men who had ſpent their youth and ſtrength in the military ſervice of the Company, thoſe gallant young men who had purchaſed honour with the loſs of limbs and conſtitutions, in the unhealthy climate of Bengal, troop off, for fear of ſeeing fixed bayonets at their heels, and leave their all, their little all, to the mercy of their enemies; and all this to pleaſe ſome particular deſtroyers!

The conſequences of this order were truly ſhocking to human nature. Some gentlemen, of families many degrees ſuperior to any of the Council, were carried without the walls of the Fort in the depth of a ſalivation; others had juſt ſwallowed emetics, and were not allowed to remain to work them off; whilſt the lame were obliged to limp out on their crutches, to avoid the military inſtruments of tyrannic power.

Such are the miſeries which Engliſhmen are doomed to ſuffer when removed far from the influence of the happy conſtitution of their native country! in a place where power gives law, and force is right; and where no man is found brave enough to ſhake the rod of correction over the head of lawleſs authority.

Before the officers left the garriſon, the men got under arms, and ſeemed reſolved to accompany them; but ſeeing their officers diſcourage the attempt, and ſhew no inclination to join and command them, they were ſoon diſperſed to their quarters, by the unmilitary meaſure of money and liquors. Next day Lord Clive arrived at Mongheer, and by flattering the common men and decrying the officers, at the expence of every human virtue, he kept all quiet, though not without the aſſiſtance of large ſums of money; having in a few days diſtributed more in preſents to the ſeapoys and ſoldiers than would have ſatisfied the poor diſtreſſed officers of all the army for a whole year. Such were ſome of the inſtances of his lordſhip's œconomy. But notwithſtanding

withstanding this success at first, such obstinacy would probably have cost the Company very dear, had not the weakness and wickedness of human nature afforded opportunities for regaining a great number of the officers who had just left the service: many of whom had engaged in the affair of the resignation with no other views than treacherously to rise on the ruin of their brother officers, whose attachment to their honour they knew would influence them to despise all advantages to be reaped from the violation of it. Others of them were gained by threats, and many more by imposition; so that in a short time the cause was deserted, and only the few who preferred honest poverty to infamous affluence, remained sufferers on this occasion; some being sent home to England, others losing five or six years dear-bought rank, and others *permitted the favour* of being left to gain their bread by the sweat of their brows in Calcutta.

Thus far it was necessary to follow the circumstances attending the resignation of the honest and steady part of the officers, to shew with how little reason their enemies have endeavoured to brand their conduct with seditious and dangerous designs against the government. It may be now worth while to observe the *consequences*, and the effect it had on the civil constitution of Bengal; which, from being limited and mild, according to the laws of England, is become absolute, unlimited, and tyrannical in a greater degree than the most arbitrary government in the known world.

I have observed before, that Messrs. Wilding and Petrie were sent prisoners from Mongheer to Calcutta, and ought to have proceeded thither under a guard of seapoys; but by a concatenation of mistakes, the guard for their persons was left behind, and they were only accompanied by that intended for their baggage; which freed them from very dreadful inconveniencies on their arrival in Calcutta, as will be seen bye and bye.

In the absence of Lord Clive, Mr. Sumner (equally remarkable for his condescension, when second, as for his overbearing conduct when in the chair, as acting governor,) who reigned in Calcutta at that time, had denounced his vengeance on the heads of all opposers, and is reported to have said, of the resigned officers, "There are four of them "coming down prisoners; I wish there were twenty-four, *that I might* "*have the pleasure of hanging them all.*"

When the two unfortunate gentlemen mentioned above arrived at Calcutta, they waited upon this Deputy Governor, to acquaint him of their having quitted the service, and their intention of residing at Calcutta; to which he answered, They had been put in arrest by Sir Robert

Fletcher, and muſt remain ſo *till Lord Clive's pleaſure was known.* This they ſtrenuouſly denied; offering, that, as they held no military employment, they could in no degree be ſubject to military law; and left him to uſe his pleaſure. The ſame evening, the Fort Adjutant came to their lodgings, and told them, he had the Governor's orders to put them under arreſt; which they refuſed to obey, for the reaſons given by them to the Deputy Governor himſelf; and requeſted him to take down their anſwers in writing, that they might not be any more troubled with his viſits. Notwithſtanding this he returned again, next morning, and inſiſted on their obeying the arreſt, as officers in the ſervice of the Eaſt India Company; and on their perſiſting in their firſt reſolution, he acquainted them, that he had the orders of the Governor and Council to take them out of their lodgings by force, and confine them in the New Fort, under a guard; and if they ſhut their doors, he had orders to plant centinels before the door, *and ſtarve them into compliance:* and for that purpoſe he had paraded a guard of thirty men. Mr. Gideon Johnſtone, in whoſe houſe this happened, overhearing the laſt part of the threat, acquainted the Adjutant, that if he dared to enter his houſe, or to place centinels upon it, he would proſecute him, and all concerned, to the utmoſt extent of the law; and at the ſame time leave the houſe to the mercy of the ſoldiers, in which there was the property of many private merchants, to the amount of ſome lacks of rupees.

This ſtaggered his reſolution, and he departed to acquaint the tyrants with the oppoſition he had met; who, though they ſeemed ready enough to ſacrifice every moral tie to their reſentment, ſhuddered at the thoughts of incurring penalties for hurting a houſe of ſuch conſequence, and they well knew Mr. Gideon Johnſtone would be as good as his word; nor could Mr. John Holme, the oracle of law to the then Council, afford them any conſolation; for, after twiſting and turning the charter with the utmoſt pettifogging ſkill, he was forced to declare, that he could not find any part which juſtified a forcible entry. This gave the poor gentlemen ſome reſpite, but it was only in idea; for they were obliged to keep their doors guarded and barricadoed, to prevent the Adjutant from putting his threats into execution.

In this dilemma, they ſent for an attorney of the Mayor's Court, to inſtruct them in the methods of procuring their liberty, by an application to the civil power: but he very honeſtly told them, that there was no ſuch thing as law in Calcutta; *nor could they there hope for any redreſs;* that, for his own part, his office obliged him to take a retaining fee from them; but, at the ſame time, he would take it as the

 greateſt

greateſt favour, and a real mark of friendſhip, if they would not inſiſt upon it; *for his appearance in their cauſe might ruin him in the ſettlement;* and then, without leaving them time to reply, he wiſhed them a good morning.

In this ſituation things remained till the quarter-ſeſſions came on, when they determined to try their cauſe before the Grand Jury; never doubting to find ſhelter and protection under that glorious bulwark of Engliſh liberty. Accordingly, on the firſt day of the ſeſſions, they ſent the following letter to the Foreman of the Grand Jury; viz.

"To James Liſter, Eſquire, Foreman, and the Members of the Grand Jury.

"GENTLEMEN,

"We hope you will excuſe the liberty we now take in addreſſing you "on a ſubject of the moſt intereſting nature to ourſelves, to you, and "to every free-born Engliſhman who lives under the protection of that "bleſſed conſtitution; and that you will, as far as in your power, "grant us that redreſs which the extraordinary circumſtances of our "caſe require, which are as follow:

"On the firſt of this month we reſigned our commiſſions in the Ho-"nourable Company's ſervice, which were accepted of by the com-"manding officer at Monghcer, where we then were; nor have we "received any pay ſince the 30th April. Laſt night, after we had "been twenty days out of the ſervice, the Fort Adjutant came to our "lodgings, and ſaid he had the Acting Governor's orders to put us "in arreſt, which we refuſed to obey; alledging we were not ſubject "in any degree to military diſcipline, but were ready to anſwer any "charge brought againſt us according to the laws of England.——This "morning he returned again; and, in order to intimidate us into a "ſubmiſſion to military law, ſaid he had the orders of the Governor "and Council to carry us out of our lodgings with a military force, if "we did not inſtantly obey the arreſt; and that if we ſhut our doors, he "would place the centinels upon them. We returned the ſame anſwer "as before: and ever ſince have been in hourly expectation of ſeeing "our lodgings beſet with military guards, by which we are entirely "prevented from going about our own affairs, and put in fear of our "lives. Thus are our moſt valuable privileges, as Engliſhmen, ſet at "nought, and trampled upon; thus are we kept priſoners in our own "houſe, from fear of being aſſaulted when we go abroad; and thus is

"the government become military, and we are at once made liable to
"all the horrible consequences which it is needless for us to point out,
"as they must be but too obvious to every one who reflects that he is
"a Briton, and a son of freedom, unless the civil power heartily in-
"terferes to prevent such unprecedented proceedings, before they
"have gained too great a head. When we reflect upon the transac-
"tions of this day, when we reflect that we appealed to the laws of our
"country, and when we reflect that that appeal was disregarded, how
"can we but tremble for our liberties, which lie at the last gasp!—If
"we have committed any crime, we are ready to answer for it, and
"shall rejoice to be tried by an impartial jury: to that we fly for pro-
"tection against such unwarrantable and lawless proceedings. If
"through ignorance we have committed any error in point of form,
"we hope you will excuse it, and esteem us your distressed fellow-
"subjects.

(Signed) "BENJ. WILDING.
"JOHN PETRIE."

In consequence of this letter, they were carried before the Foreman and jury by a peace-officer; and after being sworn and examined, they were conducted back to their lodgings, exulting in the happiness of being Englishmen, and secure in the hope of obtaining redress against their oppressors.

How shall I go on?—How shall I publish to the world the shame of my country?—There were not twelve honest men found to stand forth assertors of British liberty! However, to do mankind justice, ten declared for the noble privilege of Britons, and seven for power: but the judges were of opinion, that only twelve could constitute a legal majority. The little spirit of liberty which existed in the settlement after this, was exerted for a short time in manifesting detestation of those seven prostitutes to power; but the lenient hand of time, which smooths by degrees even the brows of murderers, has long ago buried their crime and their punishment in oblivion, nor has one spark of that noble principle ever blazed forth since that period.

I am not sufficiently versed in the laws of my country to determine, but I have been assured, that seventeen cannot legally constitute a Grand Jury, unless when no more can attend. If this be true, there must have been scandalous proceedings in the case before us; since, when the jurors were to have been sworn in, there were twenty in the court; but when sixteen had taken the oath, Mr. Verelst made the clerk

clerk of the peace call them over twice, to know the number; and I suppose the names, before he would permit the seventeenth to take the oath; and immediately upon its being administered to them, the other three were required to leave the court, for that the jury was complete. How far this manner of acting is agreeable to law, I cannot pretend to say, but it seems to be very unlike justice.

The situation of the prisoners was now more deplorable than ever. Given up by the law to the mercy of their enemies, they had nothing to expect but the utmost severity; which would certainly have fallen upon them, but for the protection that Mr. Gideon Johnstone's house afforded them, which the officers did not choose to enter, unless expressly authorized by the *fiat* of Lord Clive.

In the mean time an attorney, bolder than the rest, ventured to acquaint them, that they might, at any time, bind the Adjutant over to the peace, as well as any number of persons, his abettors, though unknown to them: upon which they immediately, each of them, wrote the following letter; viz.

"To Randolph Marriott, Esquire, one of his Majesty's Justices of the Peace.

"SIR,

"On the 26th of this current month, a person who calls himself "Lieutenant Baldwin, Fort Adjutant, came to the house where I reside, and threatened to bring a military force, consisting of a jammatdar and thirty seapoys, and carry me by violence a prisoner to "the New Fort, there to confine me, if I would not subject myself to "military law, after I had informed him twice, that I held no military "employment, and was therefore not subject to military law. As this "threatening has never been taken off, I have ever since lived in fear "of my life; and am deterred from going about my lawful affairs, "which suffer great impediments, for fear of an assault in the streets: "with a view to bring him to condign punishment, I must request you "will bind him over to the peace, as well as several other persons unknown to me, his abettors, and whom he called by the name of the "Governor and Council; but as I am apprehensive of being seized by "this man in my way to you, I must likewise request you will order a "peace-officer to protect me till I come before you, and make oath to "the truth of what I have herein set forth.

"I am, Sir, your most obedient servant,

(One copy signed) "BEN. WILDING."

(Another) "JOHN PETRIE."

Mr.

Mr. Marriott, the Acting Justice, without returning any anſwer, poſted away to the Council-houſe, to take the advice of his brother aggreſſors; and from thence wrote to them the *juſtice-like letter* following:

"To Captain Wilding and Lieutenant Petrie.

"GENTLEMEN,

"Pleaſe to inform me whether Lieutenant Baldwin came to you in "a public or private capacity?

"I am, GENTLEMEN,

"Your moſt obedient ſervant,

(Signed) "RANDOLPH MARRIOTT, one of "his Majeſty's Juſtices of the Peace for Calcutta."

To this letter they returned the following anſwer:

"To Randolph Marriott, Eſquire, one of his Majeſty's Juſtices of "the Peace for Calcutta.

"SIR,

"Imagining you had, through inadvertency, addreſſed us on the "cover of your letter under wrong titles, we broke the ſeal; but muſt "inform you, that, holding no military employment, we are not to "be known in any affair of law by any other than our Chriſtian names. "However, as courteſy generally continues an officer's title after he "has reſigned his commiſſion, we, to ſave time, inform you, that "Lieutenant Baldwin came to us in a ſaſh, ſword, and gorget, the pro-"per dreſs of his office, and ſaid, he was ordered to threaten us by "the Governor and Council: but we, as private perſons, have no "buſineſs whether he came in a public or private capacity.

"We are, SIR,

"Your moſt obedient ſervants,

(Signed) "BEN. WILDING,
"JOHN PETRIE."

They

They heard nothing more from Mr. Marriott that day. About nine at night, Mr. Petrie, finding it neceſſary to go abroad upon ſome urgent buſineſs, wrote, by himſelf, the letter following:

"To Randolph Marriott, Eſquire, one of his Majeſty's Juſtices of "the Peace for the Town of Calcutta.

"SIR,

"As a ſubject of Great Britain, labouring under oppreſſion, I again "apply to you, as one of his Majeſty's ſworn Juſtices of the Peace, for "that juſtice againſt my oppreſſors which the law directs, and which "his Majeſty has been graciouſly pleaſed to take particular notice of in "his letters patent to his Juſtices.

"I am, SIR,

"Your obedient ſervant,

(Signed) "JOHN PETRIE."

This produced, next morning, the letter following:

"To Captain Wilding and Lieutenant Petrie.

"GENTLEMEN,

"As you mention Lieutenant Baldwin came to you in his public "military capacity, any grievance you may have to complain of muſt "lay againſt the authority which ſent him: and *as an act of Parliament* "*points out a method of redreſs, I apprehend a Juſtice of the Peace cannot* "*interfere.*

"I am, GENTLEMEN,

"Your moſt obedient ſervant,

(Signed) "RANDOLPH MARRIOTT."

The unfortuate gentlemen thought this letter worthy of no other reply than the following ſhort anſwer:

"Meſſieurs Wilding and Petrie preſent their compliments to Mr. "Marriott, and ſhould be glad to know how the meſſenger in the affair "of Mr. Wilkes came to be puniſhed?"

"Calcutta, 3d June 1766."

Thus

Thus finiſhed their correſpondence, and connection with the THE JUSTICES OF CALCUTTA, for after this they went abroad, their own protectors, and met with no other moleſtation than being followed through the town by the ſpies of the Governor, ſent after them to ſee who gave them a dinner, or a ſupper; to ſuch amazing meanneſſes do bad men in power deſcend!

Notwithſtanding all that had paſſed, the priſoners would have found it a difficult matter to have proved a falſe impriſonment upon the Governor and Council, had it not been for their own folly and inconſiſtency. In about a week after their correſpondence with the foreman and Mr. Marriot was at an end, the Adjutant once more made his appearance at their lodgings (like the herald in Henry the Fifth after the battle of Agincourt) *mightily creſt-fallen*, where, in moſt reſpectful terms, he delivered the compliments of the Governor and Council, telling them that, as Sir Robert Fletcher *had accepted of the commiſſion when they reſigned the ſervice, they were no longer priſoners, but now at liberty to go where they pleaſed.* It is a queſtion worthy the determination of a Governor and Council, whether tyrannical pride or meanneſs appeared moſt conſpicuous through the whole courſe of theſe proceedings?

Thus have I, my dear Sir, gone through the moſt material circumſtances attending this melancholy affair, with avoiding, for fear of prolixity, the mention of many things of leſs importance, but equally tending to prove the unremitting violence with which the people in power acted towards the unhappy officers, who had ſacrificed their youth and conſtitutions to the ſervice of the Company. Whether the two gentlemen above-mentioned deſerved the treatment they met with, or not, or whether the conduct of the juſtices was according to law, I will not pretend to determine; and ſhall therefore conclude with making this obvious remark upon the whole, that the legiſlature muſt certainly have been impoſed upon with reſpect to the ſtate of affairs in India, ſince we cannot think they could be ignorant, that all the Company's ſettlements are ſubject to the laws of England. The juſtices of the peace through all India are thoſe, only, who are of the Council at the different ſettlements, who are ſo *ab officio;* they leave England at the age of ſixteen, many of them before they know what juſtice means, and are ever afterwards taught to believe it conſiſts in the *fiat* of a *Governor and Council.* There is ſcarce ever a cauſe in which it is neceſſary for a juſtice to interfere, which does not take its riſe either from ridiculous orders from the Company at home, or the rapacious monopolizing ſpirit of their ſervants abroad: and, above all, there is ſcarce a poſſible caſe in which the members of the Council, as individuals, are

not concerned directly or indirectly, from their extensive connections in import and export trade, farms, &c. &c. Is then the boasted liberty of Englishmen to be subject to a jurisdiction, where the judge himself is either appellant or defendant? How strikingly applicable is this to the case of Mr. Marriott before us? Instead of having the parties immediately brought before him, or calling together a Bench of Justices, he posted away to the Council-house, to consult with the servants of the Company, his own associates, whether he should act according to his conscience, and administer justice according to his oath, or according to the dictates of a tyrannical ruler. As this letter has much exceeded the length I intended at first, I imagine you are sufficiently tired; and wishing you all happiness, I am, &c."

Nº XXXI.

THE NARRATIVE of Mr. VERNON DUFFIELD, relative to his own Case, and the Case of Mr. FRANCIS ROBERTSON of BENGAL.

"Having served many years in the army at Bengal, I was one of the many officers who thought themselves injured and distressed by the sudden reduction of the established batta-money, in December 1765, by Lord Clive and his Secret Committee; and who, after fruitlessly waiting six months, in hopes of a favourable issue to their remonstrances, came to a resolution to resign on the 1st of May 1766. The brigade I belonged to lay in cantonments at Bankipore, near Patna, under the command of Colonel Sir Robert Barker, who sent me an order, immediately after I had resigned my commission, to repair to Calcutta the very next day. Upon this, I waited on Sir Robert Barker, to be acquainted with the reasons of my having so short a notice given me, particularly as he knew my wife and family were with me, totally unprepared for so long a journey, and my private concerns altogether unsettled; and farther to request, that if (notwithstanding I was no longer in the Company's military service) I must go, he would allow me a few days more to settle my affairs. These my remonstrances and request had no effect; whereupon I asked Colonel Barker, if he would stand to all the consequences of the loss or losses that might happen of my valuable effects, from the dangers of the river, as well as of those I should, on so short a notice, be necessitated to leave behind me? The Colonel returned for answer, that I must go, and that he would stand to every thing he did,

Whereupon I was obliged to leave Bankipore that evening; taking with me my wife and family, and leaving behind unadjusted debts that were due to me to the amount of 16,000 rupees. The boats on the Company's account, provided by Colonel Barker to carry me to Calcutta, appeared so excessive bad, that I could not think of venturing myself and family in them; and having luckily a boat of my own, I embarked with my family on board my own boat, putting my baggage into the boats provided for that purpose; fearing much, at the same time, that they would not be able to undergo the voyage to Calcutta, which was between 400 and 500 miles off. Just after my arrival at a place called Noon Golah, I received an order from Colonel Barker, that I must not on any account touch, or call at Monghheer on my way. On my passage down, one of the Company's boats with a part of my baggage on board, to the amount of about one thousand rupees, was lost in a storm near Bhar; whereupon I wrote to Colonel Barker, informing him of the accident, and that in consequence of his declaration, "that he should stand to the consequences "of thus sending me out of the country," I should take the liberty to send him an account of the particulars of my loss, and call upon him for the amount: to which letter he never returned any answer. Having procured another boat at my own expence, to take in such part of the baggage as was saved from the wreck, I proceeded on, till we arrived at Bandecoot, a place about 100 miles from Calcutta; where, not finding water sufficient in the river to carry boats any farther, I was under the necessity of leaving the boats, and of travelling over land with my family and baggage, at my own expence; which, including boat-hire, bearers, cooleys, hackeries, and other travelling charges, cost me about 600 rupees, before I arrived at Calcutta, which was the beginning of June; having been better than a month on my passage down.

On the 9th June 1766, I received an order from the Governor and Council of Calcutta, in which four other Gentlemen were included, directing us to hold ourselves in readiness to embark for Europe by the returning ships of that season. As this was an unprecedented thing, I imagined it was done with a design to frighten us into the service again; and finding afterwards that many of the resigners had again actually entered into the service, and farther considering I was in rank near a Majority, and that if the Governor and Council should persist in carrying their order for my suddenly going to Europe into execution by force, it would be the cause of inevitable ruin to me and my family; I therefore was necessitated to make every submission that could be made with decency or propriety to the President and Council, as well as to

ſeveral particular members, in order to procure my reinſtatement: but thoſe my applications and ſubmiſſions were all ineffectual.

On the 18th Auguſt 1766, to my great ſurprize, I received a letter from Mr. William Alderſey, ſecretary, informing me, "That in conſequence of the notice already given me, of the 9th June 1766, to "prepare for returning to Europe, for the part I bore in the late re-"ſignation of the officers of the army, he was ordered, by the Right "Honourable Lord Clive, Preſident, and the Council of Calcutta, to "acquaint me, that I muſt accordingly embark on board the Lord "Camden, which ſhip was expected to ſail towards the end of the "month; and that Captain Smith was furniſhed with an order for re-"ceiving me on board with my neceſſaries." At this time my wife was three months gone with child. The ſuddenneſs of ſuch unexpected news, and the reflection of my being thus cruelly torn from her, overcame her ſo much that ſhe fell ſick, and a violent fever enſued, which had near coſt her her life; and in the midſt of this illneſs ſhe miſcarried.

I found from Captain Smith, Commander of the Lord Camden, who had likewiſe received his orders from the Governor and Council, that I was to be taken on board as a charter-party paſſenger *, and ſhould have but bad accommodations on board: in the midſt therefore of my diſtreſs, I once more, under date of the 24th Auguſt 1766, addreſſed the Governor and Council in the moſt ſubmiſſive terms, requeſting that, in conſideration of my long, faithful, and known ſervices in the Company's military employ, I might, as well as others, be re-admitted to my former ſtation. I farther repreſented the diſtreſſed ſituation of myſelf and family, and that I could not thus go to Europe without inevitable ruin.

In anſwer to this my humble ſupplication, I received a letter from Mr. Secretary Alderſey, dated Calcutta, the 25th Auguſt 1766, informing me, "That he was ordered by the Right Honourable the Pre-"ſident and Council to acknowledge the receipt of my letter to them, "and to acquaint me, in anſwer, that they were determined to have "their orders duly complied with; and unleſs I did repair on board "the Lord Camden in proper time, purſuant to the notice I had al-"ready received, that I might be aſſured the Company's orders would "be put in execution, by embarking me by force."

* Charter-party paſſengers are ſent home at the Company's expence, ſo far as to be intitled to a *birth* and to ſhip's proviſions, as common ſailors. The ſending over of gentlemen by violence, therefore, on ſuch a kind of agreement, is putting them exactly on a footing with the felons who are tranſported from England to America; whoſe accommodation and ſupply of ſhip-proviſions, during the voyage, are contracted and paid for by the crown.

On Friday the 29th August 1766, Lord Clive ordered his Aid-de-camp, Captain Upton, to acquaint me, that he expected I would go on board the ship Lord Camden, Captain Smith, on the Monday next, as the Captain went on board that day; and that Mr. Kelsall the Commissary General had orders to provide me with boats. As I had before heard Colonel Barker declare, in presence of several officers, that Lord Clive would sacrifice himself, family, and fortune, and even the whole settlement, rather than give up his point, I now plainly perceived it was impossible to soften his inhuman heart to compassion, but that I should shortly be torn from my family, fortune, and every thing dear to me. All that I could do on this occasion, in the settlement of Calcutta, was to cause the notary public, Mr. John Holme, to draw up two protests against Lord Clive, the Council, and Captain Nathaniel Smith of the Lord Camden; which was accordingly done, and one of them I presented to the Governor and Council, and the other to Captain Smith.

On the morning of the 3d September 1766, Captain Upton came to my house, and informed me that Lord Clive had sent him to me, to desire I would not repel force by force, as he intended that afternoon to send an officer with a party of seapoys to force me on board the Lord Camden; and that his Lordship farther desired him to acquaint me, that he would give me all the law on my side that I could require, as he was fully determined *to break into my house*, either at the doors or windows. I desired Captain Upton to present my respects to Lord Clive, and acquaint him that I was resolved not to go on board any ship by consent, and that his Lordship might use what force he pleased, as I would sooner lose my life than be separated from my wife, family, and fortune in such a cruel and unlawful manner.

Accordingly the next morning, being the 4th September 1766, Ensign Peter Angersteen entered and surrounded my house with a serjeant and twelve or fourteen seapoys, in order to seize my person; but on my perceiving the guard enter the door of the fore part of my house, I, being then in the hall, shut the doors of the rooms against them, expecting the guard would break them open, as Captain Upton had before acquainted me his Lordship's intentions were. But Ensign Angersteen, finding I had shut the inner doors of my house, immediately planted six centinels at the doors and windows, and gave strict orders to the guards, *not to suffer either victuals or drink to be admitted to me, nor any person or persons to have any communication with me.* My wife at this time, being in an adjacent room of the house, was not permitted to come into the apartment I was in, nor even suffered to talk to me

through

through the bars of the windows. Upon my asking Ensign Angersteen, by what authority he acted so imprudently and unlawfully? he told me it was by Lord Clive's positive order, which he had, signed and sealed by his Lordship's own hand. At my request, he read part of the order to me, standing at a distance from the window, purporting, "that he, "Angersteen, was to take a guard, and secure the persons of Captain "Vernon Duffield and Ensign Francis Robertson, not to suffer any "person or persons whatsoever to go in or come out, or allow pro-"visions, liquors, or supplies of any kind to be conveyed to them, "without his Lordship's express orders: and that he might try to get "in at the windows, or by any other finesse, to secure their persons." When Ensign Angersteen had read thus much of his orders, he put them in his pocket. I begged he would read the whole to me: but he refused doing it, and went away, leaving the guards stationed as beforementioned. Dinner being ready, my wife and some of my servants approached to give me some victuals through the bars of the windows; upon which the centinels pushed them away with great insolence, and abused them to the highest degree. About this time a Jammatdar, or black officer of seapoys, entered a room joining to my house, where my wife and part of my family were sitting, and with the greatest assurance insisted on sitting down close to her. I immediately spoke to him in his own language, telling him, that was my wife and family, and desired him to go out of my house; upon which he abused me beyond expression.

In this situation, I wrote to the MAYOR AND ALDERMEN OF CALCUTTA, as also to RANDOLPH MARRIOTT and HUGH WATTS, Esquires, his Majesty's justices of the peace, acquainting them with my situation, and informing them, that not being a military man, neither having committed robbery, treason, murder, nor any other crime, or misdemeanor, I applied to them, as to the civil power of that city, hoping for their protection. On the 5th September 1766, I received a letter from Mr. John Holme, Register of the Mayor's Court, acquainting me, that he was ordered by the court to inform me, that my affair did not come within their cognizance or jurisdiction; and the same day I received an answer from Mr. WATTS, *that he was sick*. But having received no answer from Mr. Marriott, I wrote to him again on the said 5th September, informing him, that my condition was then such, that *I was starving, and had not been even allowed to go the necessary-house during my confinement*. In answer, I received a letter from Mr. MARRIOTT the same day, acquainting me, that "*he had received my let-*"*ter, and had waited in expectation my servant would have returned the* "*next*

"*next morning for his answer. But informing me further, that, if I*
"*would now please to apply to Claud Russell, Esquire, who was the pre-*
"*sent acting justice of the peace, he dared to say, I should be granted a*
"*civil officer to conduct me to him, in order to lay my grievances before*
"*him.*" Such excuses and delays could administer but small comfort to a man in my circumstances; however, having no other prospect, on this information, I wrote to Mr. Claud Russell, on the said 5th September, to which receiving no answer, I wrote to him again on the 6th, when at last he thought proper to write me a letter, informing me that, "*as soon as he could have the opinion of the Bench of Justices upon the subject*
"*of my complaint, he would return me an answer.*" Not hearing any thing farther, on the 8th September I wrote again to Mr. Russell, acquainting him of the continuance of my distress, with aggravation, for that the night before, *my windows were ordered to be shut up, to prevent both light and air from coming to me:* and, impatient for relief, on the same day I wrote, for the same purpose, to the other Justices William Brightwell Sumner, Harry Verelst, Charles Ffloyer, Thomas Kelsall, and William Aldersey, Esquires, all then resident within the town of Calcutta. Some time after which, I at last received a letter from Mr. Russell, informing me, "*that the members of the board being dispersed*
"*in the country, a full bench could not be assembled till that morning,*
"*being the 8th September 1766, or he should have returned an answer to*
"*my letter sooner; and that Mr. Grose, their clerk, whom they had de-*
"*puted to wait on me, would acquaint me with the result of their meet-*
"*ing.*" Accordingly that evening Mr. Grose came to me, and informed me, *by word of mouth,* through the bars of my window, "*that*
"*the Bench of Justices had laid my letters before Lord Clive, and asked his*
"*reasons for placing the guards on me in the manner I had related in my*
"*letters, and that his Lordship had answered, that he had not ordered the*
"*guards to confine me to my room, but, on the contrary, had given them*
"*orders to let me go about where I would, that I was at liberty to go to*
"*any part of Calcutta; and that the reason of the guards being placed over*
"*me, his Lordship said, was for not obeying the orders of the Governor*
"*and Council in going on board the Lord Camden. Farther, that the*
"*Bench of Justices thought the letters I had laid before them were ground-*
"*less, and they should take no farther notice of them; but that if I would,*
"*agreeably to the orders of the Governor and Council, proceed on board*
"*the Lord Camden, I might expect all the civility and good treatment I*
"*could wish for.*"

These minutes, reported from the Bench of Justices, I took down in writing before Mr. Grose, and the next day I addressed them again,

expostulating

expostulating on their message, disproving certain allegations, and acquainting them, that as a British subject much oppressed, I applied to them as his Majesty's Justices, requesting they would examine Ensign Angersteen, Serjeant Halsell, and the havildar of the guard, upon oath, concerning the orders by which they acted; but that as for going on board the Lord Camden, I had already acquainted the Governor and Council that I could not comply with such orders.

The Bench did not shew the least inclination to comply with my request, respecting the examination; so, on the 10th September 1766, I wrote again separately to William Brightwell Sumner, Harry Verelst, Randolph Marriott, Claud Russell, Thomas Kelsall, Charles Ffloyer, and William Aldersey, Esquires, his Majesty's Justices, acquainting them, that I wanted to swear the peace against Ensign Angersteen; and as I was prevented from waiting upon them, by my being confined, I should be glad to see any one of them at my house, to take my deposition. None of these gentlemen, however, thought proper to come to my house, or even answer my letter, except the cautious Mr. Russell, who wrote to me on the 11th September 1766, *that in case my desire of swearing the peace against Ensign Angersteen arose from any cause that had no connection with the subject of my former letters, he would be glad to see me at his house, and if necessary for that purpose, he would send a constable for my protection. But in case it had to do with my former letters,* HE HAD NO AUTHORITY.

The same day I received a letter from Mr. Grose, acquainting me, *that he was directed by the Bench of Justices, who had assembled on the several applications I had made to them, both separately and jointly, to inform me, that on enquiry into the cause of my complaints, they did not appear to be cognizable by any civil authority there, being* AGAINST THE PRESIDENT and COUNCIL *. After this final answer from the Bench of Justices, it plainly appeared impossible to obtain any redress in Bengal against such illegal and arbitrary proceedings, because those gentlemen as sworn Justices of the peace would not condemn one another for what they transacted as Counsellors.

Having been ten days and nights close confined in my house, in want of common necessaries, and even day-light, overcome with the heat of the weather and the smell of my room, which was now become extremely disagreeable, in this situation, I had been attacked with a disease

* The President and Council act by the authority of the Company, or the Court of Directors, and the Magistrates by the authority of the laws, and for the Sovereign. Thus the authority of the deputies of the East India Company is, in Bengal, held to be superior to that of the Sovereign and the laws.

which often proves mortal in that country, and was in fact at the point of death, when I determined to have my doors opened, and to surrender myself prisoner to Lord Clive and the Council. But before I executed this resolution, that is, on the 13th September 1766, I wrote a letter to Lord Clive, with an account of my situation, to see what he would say; to which he immediately returned me for answer, *that I was no stranger to the reason of the guard of seapoys being posted near my house, but that I certainly knew they were not posted there to confine me to the house, but that I might come out whenever I thought proper.* After this I had my doors opened, and, with the assistance of Mr. Gowin, made a shift that night to crawl to the house of Mr. James, a near neighbour. I was followed close by six seapoys, with bayonets fixed on their muskets, while the remainder of the guard that stayed at my house, posted double centinels at the doors of the room where I had been confined, and would not suffer my wife, or any one, to enter therein. I stayed and supped at Mr. James's, in company with Mess. Stanford, Maddox, Broadbent, and Dr. Savage, who were eye-witnesses of the above. After supper Ensign Angersteen came to Mr. James's, and notwithstanding I had shewed him the letter I had received from Lord Clive, conducted me, with the guard that was with me, back to my own house, where I was still guarded as a prisoner, but with less rigour than before. On the 14th September 1766, in the morning, I was carried out in my palanqueen in company with Mr. Britian, in order to enter a protest against Lord Clive and the Bench of Justices, but was followed through the streets by two of the seapoys with drawn bayonets; and notwithstanding all the pretences and assurances of Lord Clive, that I was at liberty, I was on a sudden surrounded by a new guard of twelve seapoys, who in a most contemptuous manner made me their prisoner, and forced me back to my own house, in the presence of Mess. Britian, Home, and Randall, Lieutenant Edminson, the Rev. Mr. Kiernander, and Mrs. Carewood; where I remained a prisoner, with double centinels over me; but with liberty, however, to go from one room to the other.

On the evening of the 17th September 1766, the guard made an attempt to seize my person in the hall, but upon my retreating into my bed-chamber, they did not choose to follow me, as I suppose, for fear of fire-arms. This behaviour gave me great suspicion, that Lord Clive had given particular orders concerning me, to be executed that night, which was verified by the event; for in the dead of the night (or rather the morning of the 18th September, being between the hours of two and three of the clock) Ensign Angersteen came with Serjeant Snider and part of the guard, and entered the room where I was with my wife, and

and immediately seizing me by my right arm, tore me in a most barbarous and cruel manner from her, notwithstanding, in that instant, she fell to the ground in a fit. I was dragged through the streets of Calcutta to the river side, and put into a budgerow, where I remained with centinels at the cabin door from three in the morning till four that afternoon, when Ensign Angersteen came to see me in the cabin. I asked him, what was to be done with me? and he informed me, Lord Clive had given orders, that I should be sent down the river, and put on board a sloop, the Captain of which had orders to proceed with me to Madrass.

About this time my wife came down in her palanqueen to see me, though extremely weak after her late miscarriage. She said she was determined to share my fate in going with me, rather than be thus separated from me by Lord Clive, after between eight and nine years marriage. Accordingly I consented to take her with me, and leave my attornies to settle my affairs: but upon this, Ensign Angersteen immediately ordered the boat to be pushed off, and again, in a most barbarous manner, forced us from each other; which so affected my wife, that I did not expect she would survive it.

The boat immediately put off, under the command of Serjeant Snider with the guard, Ensign Angersteen remaining behind. There was a gentleman, named Mr. Francis Robertson, late an officer in the army, who had also in the same manner been confined to his house, under charge of a party of Angersteen's seapoys, and who was brought on board the boat with me. In our passage down the river he shewed me a copy of Lord Clive's orders, which he had procured from Ensign Angersteen, and which was taken from the original, on the 18th September 1766, in presence of Mr. Patrick Duff and Mr. James Home, as follows.

"To Ensign Angersteen.

"SIR,

"You are to take a guard and secure the persons of Captain Vernon "Duffield and Ensign Francis Robertson; and when secured, you are "to embark them in budgerows, or boats provided for that purpose, "and convey them by water on board the Lord Camden, delivering "them to the charge of Captain Smith. In case you meet with resist-"ance of fire arms, swords, or any other weapons that may endanger "the loss of your own life, or the lives of any of your party, you are "to desist from the attempt, contenting yourself with placing guards in "such a manner, that they cannot possibly escape. Nor are you to suffer

" any person or persons whatsoever to go in or come out, or allow pro-
" visions, or liquors, or any other supplies of any kind to be conveyed
" to them, without my express orders. You are likewise to endeavour
" to prevail upon the said two officers to surrender themselves quietly,
" and if that has no effect, you may try, by getting in at the window,
" or by any other finesse, to secure their persons; but upon no account
" by force or violence to break open any lock. If the door be not
" locked, you may in that case open it, and seize the said two officers.

Fort-William, the 4th Sept. 1766.

(L. S.) (Signed) CLIVE."

On the 19th September 1766, in the afternoon, we arrived along side the sloop, near Ingellee, and upon refusing to go voluntarily on board, were forced up the side by Serjeant Snider and his guard, in presence of Mr. Briggs and Mr. Inglis. I told Briggs, who commanded the sloop, that since he had suffered me to be put forcibly on board, I should look upon myself as his prisoner, and upon him as answerable for the consequences hereafter. He answered, he could not help it, that he had received orders from the Governor and Council for that purpose.

Mr. Briggs set sail for Madrass; and after we had been a few days at sea, he shewed me the order he had received from the Governor and Council of Calcutta, which was as follows.

" To Captain William Briggs, of the Ann Sloop.

" SIR,

" You are hereby ordered to receive on board your sloop, Captain
" Lieutenant Vernon Duffield and Ensign Francis Robertson, whom
" you are to carry to Madrass, and deliver them to the orders of the
" President and Council there.

" Dated in FORT-WILLIAM the 15th Sept. 1766.

" By order of the Right Hon. the President and Council.

" WILLIAM ALDERSEY, *secretary*."

After a very disagreeable passage of twenty-four days, in which the sloop once was run ashore and in imminent danger, on the 12th October,

ber, at night, we arrived safe at Madrass; and on the 13th were taken ashore, by Capt. Briggs, in order to be delivered over to the Governor and Council, to whom we were consigned, for further imprisonment and transportation. Capt. Briggs left us at a public house, in order to go and receive Governor Palk's commands: and in the afternoon, between two and three o'clock, a serjeant came to us, and informed us, that Capt. Frasier desired we would come into the fort immediately; and on refusal, he had orders from the Governor to send a guard and bring us in by force. We desired the serjeant to acquaint Capt. Frasier, that he might do as he thought proper, as he had received such orders from the Governor, but that as we were prisoners of Mr. Briggs's, we could not think by any means of setting ourselves at liberty, and should therefore wait his return. The serjeant went to Capt. Frasier, but finding him asleep, went to Colonel Tod, who ordered the serjeant to take a guard, and bring us prisoners into the fort; and in less than an hour the serjeant returned with a guard of seapoys, and carried us into the fort, to Capt. Frasier's house, who by this time was getting up. He informed us, that Governor Palk had given orders for us to be *immediately* sent on board the Speaker, Capt. Dewar, which was to sail *that evening for Bombay* *, and in case of our refusal, he had orders to force us on board with a proper guard.

We acquainted Capt. Frasier that this treatment was very inhumane, and quite unexpected; that we had been forced from Bengal in a most cruel manner, unprepared for a voyage to Europe; that our linnen was dirty, and we had accounts to settle, so that we could not possibly go on board that evening. We therefore begged he would acquaint Governor Palk of our situation, and request he would allow us *only twenty-four hours* to equip ourselves as well as we could, and grant us permission to wait upon him. Capt. Frasier being ill of the gout, he ordered Lieutenant Spratt, the town-major, to acquaint Governor Palk of our situation, and our request of seeing him. Accordingly Lieutenant Spratt waited on the Governor, and brought us for answer, that he would not see us, but insisted on our being sent on board the Speaker *immediately*. We then requested we might have the permission of seeing Colonel Tod, which Capt. Frasier granted, and sent Lieut. Spratt to guard us. When we saw Colonel Tod, we acquainted him

* A candid man of the most moderate principles must think it a strange course for the passage of prisoners, to be sent from Bengal to Madrass, from Madrass to Bombay, and from thence down the Malabar coast on their way to England. And as strange must appear any violent treatment of one officer by another, who had been guilty of no other fault than that of resigning his commission.

with our situation, and begged he would inform Governor Palk of our distress, for want of a few hours time on shore to prepare for the voyage: but he refused, saying, The affair did not concern him.

Lieut. Spratt therefore conducted us to the sea-side with a guard, forced us into a boat, and from thence into the ship Speaker. When we were embarked, and saw Capt. Dewar, we asked him if he had received any orders from the Governor and Council of Madrass to receive us on board his ship? He replied, He had received orders from them to receive us on board, as charter-party passengers, which he would do. After we had been some days at sea, Capt. Dewar shewed us the orders he had received from the said Governor and Council, which were as follow.

" To Captain James Dewar, of the ship Speaker.

" SIR,

" You are hereby ordered to receive on board your ship, as charter-" party passengers for England, Captain Lieut. Vernon Duffield, and " Ensign Francis Robertson.

" H. M. GOODLAD, secretary."

" Fort St. George, the 13th Oc-
" tober 1766."

" To Captain James Dewar, of the ship Speaker.

" SIR,

" I am further ordered to acquaint you, that the said Captain Lieut. " Vernon Duffield and Ensign Francis Robertson are not to be per-" mitted to go on shore at Bombay, without the particular orders of " the President and Council there.

" H. M. GOODLAD, secretary."

" Fort St. George, the 13th Oc-
" tober 1766."

After our arrival at Bombay, we wrote to Capt. Dewar for leave to go on shore, who sent his purser, Mr. John Davis, to inform us, that he could not give us leave, but advised us to apply to the Governor and Council there. Whereupon we wrote to them, requesting permission to

to come on shore for our healths, on our paroles, to return on board the Speaker when she was ready to sail.

In answer to our letter, we received one from Mr. Ramsay, secretary to the Governor and Council, informing us, that he was directed by their order to acquaint us, that they had no objection to our residing upon BUTCHER'S ISLAND during the Speaker's continuance at Bombay, provided we would enter into a bond of 500l. each, to repair voluntarily on board again, when required, giving proper security for the same. We could not help thinking these conditions imposed on us very harsh and inhuman, for Butcher's Island, in the harbour of Bombay, is a place commanded by a non-commissioned officer's guard, which we were informed was only used for the confinement of felons and other prisoners, and for the keeping of the Governor's live-stock: and with respect to the security-bond, it was out of our power to give any such security, being entire strangers to every body in Bombay.

We therefore expostulated with the Governor and Council upon the unreasonableness of these proposals; and after farther deliberation, they ordered Mr. Secretary Ramsay, on the 17th December 1766, to acquaint us, that in consideration of our circumstances they would consent to our coming on shore at Bombay, provided we would execute the parole which was inclosed to us: but they acquainted us, that the board could not but remark, in justice to themselves, that their proposal for our residing on Butcher's Island was no way unreasonable, as it was allowed to be a very healthy and pleasant place, where people had frequently gone for the benefit of their healths. We therefore each of us executed and returned the paroles which were sent us, as follows.

" I the under-written Vernon Duffield, now charter-party passenger " on board the Honourable East-India Company's ship Speaker, or- " dered to England by the President and Council of Madrass, do here- " by give my parole of honour to the President and Council of Bombay, " that if they will admit of my going on shore there for refreshment, " I will, during my residence on the same island, conduct myself in " every respect in a becoming manner, as a gentleman, and volunta- " rily return on board the said ship without hesitation, whenever I may " be required, for proceeding on her to Great Britain. Dated on " board the ship Speaker, the 10th December 1766."

After this, Capt. Dewar sent an order to the commanding officer on board to permit us to go on shore, which we accordingly did on the said

said 18th December; and on the 23d January 1767, we received the following order, viz.

"To Messrs. Vernon Duffield and Francis Robertson.

"GENTLEMEN,

"I am directed by the Honourable the President and Council to acquaint you, that their dispatches for the Speaker will be signed on Monday morning, the 26th instant, and to require you to repair on board her accordingly, agreeably to the parole you executed upon coming on shore.

"I am, GENTLEMEN,

"Your most obedient servant,

(Signed) "ANDREW RAMSAY, secretary."

"Bombay Castle, 23d January 1771."

We accordingly repaired on board the Speaker, where having only the accommodation of charter-party passengers, with scarce room to hang our hammocks, I was obliged to purchase the use of the boatswain's cabin, for eight pounds; and having been informed at Bombay, that Governor Crommelin, who went passenger from Bombay also in this ship, would not allow of our eating at the table with him, we were under the necessity of agreeing with the under-mates, to mess with them.

We left Bombay, and proceeded down the Malabar coast to Tellicherry, where Mr. Robertson, dissatisfied with his situation in the Speaker, left us, upon giving Capt. Dewar his parole of honour to proceed to Europe in a French ship. From Tellicherry we proceeded to Anjengo, which was the last port in India that we were to touch at. Just before we sailed from the Malabar coast, Capt. Dewar informed me, that Governor Crommelin had desired him to acquaint me, that he had now no objections to my eating at his table; by which I understood the reason of his objecting before to have been for fear of disobliging Lord Clive. As therefore I was not at all pleased with my situation, I purchased the privilege of the Captain's table for one hundred pounds sterling. We proceeded to St. Helena, which we again left on the —— May 1767, and set sail for England.

(Signed) VERNON DUFFIELD."

Thus

Thus far proceeds the original narrative of Mr. Duffield. After his arrival in England, thus ruined, and low in finances, he found himself unable to prosecute his oppressors with effect, or even with any prospect of satisfaction, in any degree adequate. He therefore thought it best to go back to Bengal in the best manner practicable, to save as much as he could of his dispersed fortune, before it was too late: and for that purpose, we are informed, proceeded in a foreign ship to a foreign settlement; where, whatever other disadvantages he may labour under, he will certainly be allowed the exercise of his own industry, and to live, unmolested, to prosecute any mercantile or other profession, or trade; advantages which, to the shame of this nation be it spoken, HE COULD NOT, AS A BRITISH SUBJECT, EXPECT TO ENJOY IN A BRITISH SETTLEMENT.

N° XXXII.

A NARRATIVE of the Cases of Mr. JAMES NICOL and Mr. THOMAS DAVIE of BENGAL, abridged from their own original Narratives.

Mr. James Nicol, formerly an officer in the service of the East India Company, resigned that service by permission of his superiors, who accepted his resignation some time in May 1766.

He resided afterwards in different parts of Bengal, as a private merchant; and in December 1766, went into the country of the Nabob Sujah al Dowlah, to settle there as a merchant, recover his debts, and settle his affairs then depending there; having first received the particular permission of that Prince, who had contracted a friendship for him during his military service.

On the 27th December 1766, Colonel Richard Smith being arrived at Banâras, a city in the dominions of that Nabob, 600 miles from Calcutta, where Mr. Nicol then was, he sent Mr. Nicol a peremptory order by one Lieutenant Delafield to leave Banâras in twenty-four hours, on which Mr. Nicol wrote him the following letter.

" To Colonel Richard Smith,

" SIR,

" I am informed by Mr. Delafield, that it is your intention I shall " not remain in this city. I beg leave, Sir, to represent to you, that " the reason of my coming up the country is to collect in some money

" which

" which I have out at interest, and which without my presence will
" not be paid. It will be a great detriment to me, if I am prevented
" from so doing, and very likely prove the loss of a great part. I per-
" suade myself, Sir, it is not your intention to prejudice me in the
" small fortune I have got during seven years abode in India; and that
" you will not obstruct me in the prosecution of my plan, of which I
" have General Carnac's tacit approbation. I have the honour to be,

" SIR,

" Your most obedient,

" and most humble servant,

" Banâras, the 27th Dec. 1766." (Signed) " JAMES NICOL."

On receipt of this, the Colonel was graciously pleased to indulge Mr. Nicol with a longer time, and sent Captain Gabriel Harper to acquaint him, he might stay forty-eight hours longer; but if he did not then go, force afterwards would be used.

Mr. Nicol accordingly quitted Banâras, and went upon his business into other parts of the country belonging to Sujah al Dowlah; and particularly to Fysabâd, where the Nabob resided, having repeatedly received permission, in letters from that Prince, to settle there as a merchant.

After being some months settled there, upon finding, that Sir Robert Barker had received orders from Calcutta to seize and send him down, Mr. Nicol waited upon the Nabob at his palace at Fysabâd, who there shewed him a letter from Governor Verelst, informing the Nabob, that Mr. Nicol being no servant of the Company's, must be sent home to England, therefore desiring the Nabob would permit the Company's troops to take him prisoner.

It is impossible to describe the uneasiness which this demand gave the Nabob, who observed to Mr. Nicol, " that it made him appear small " and contemptible in the eyes of his subjects *, and served to weaken " their allegiance." Applications however continued to be made with the

* Such extreme persecution of people who had been guilty of no real crime, but who had perhaps acted somewhat rashly, must be considered, by impartial men, as a disgrace even to manhood, as well as to government. There is a reciprocal convenience in all conditions for service; and all parties will naturally have a regard for their own. The conditions were first altered on the side of the Company, and for their particular convenience, which should be considered as the first dissolution of the mutual tie. The officers, who were engaged for no stipulated time, were, by the Company's first altering conditions, certainly left at their liberty to determine whether they would, or not, accept of the

the greateſt importunity to the Nabob: and at laſt, without his conſent †, Captain Hill ſent two parties of ſeapoys to ſurround a gentleman's houſe, in which Mr. Nicol reſided. Mr. Nicol, who knew ſuch proceedings gave the Nabob great uneaſineſs, and foreſaw they might occaſion ill uſage to himſelf, ſent to inform the Nabob, that he was reſolved to go immediately to Sir Robert Barker, who commanded the brigade, then at Illahabad. The Nabob, as a proof of his conſent to Mr. Nicol's reſiding at Fyſabâd, and in order, if poſſible, to wipe off the ſtain which this proceeding had thrown on his government in the eyes of his ſubjects, immediately reſolved to go himſelf to Illahabad, and endeavour to obtain leave from Sir Robert Barker for Mr. Nicol to remain in the dominions he appears to govern; and he accordingly very publicly accompanied Mr. Nicol to Illahabad, which is about ninety miles from his own court.

The Nabob failed in his application; and Sir Robert Barker acquainted Mr. Nicol, that having received an order from the Governor and Council of Calcutta for that purpoſe, he ſhould ſend him down thither within three days under a guard.

Upon this the Nabob wrote a letter, dated the 12th March 1767, to Governor Verelſt, from which the following is an extract: " The affair " of Captain Nicol is this: When he was ſtationed with me," (in his military capacity) " I entertained an attachment to him, and was well " ſatisfied with his behaviour. General Carnac alſo recommended him " in the ſtrongeſt manner to me. He came to Gorrockpore to collect " money which he had lent to Fazel Ally Khawn: from thence he " came to ſee me, and requeſted a Perwanah for carrying on trade. Out " of regard to General Carnac's recommendation, and for the friend" ſhip I formerly bore him, I iſſued an order permitting him to trade, " and appointed a houſe for his reſidence: at which time I received " letters from you and Colonel Sir Robert Barker, acquainting me " Mr. Nicol is no ſervant of the Company's, nor have any orders been

the new ones. If they reſigned their commiſſions, they violated no law, either of the land, honour, or juſtice; nor were they guilty of ingratitude to thoſe who had firſt leſſened their emoluments; and they were beſides, in their ſituation, the firſt injured and moſt ſuffering party: therefore the perſecuting of them for what they had a right to do, was a practice of great cruelty, malice, and baſeneſs; and what was juſtly deſerving of general abhorrence.

† It is exceſſively impolitic ſo to act as to let a maſk of policy be ſeen through, and eſpecially when the doing it proves diſguſtful to a needful tool; for, when the Company make their own farce appear deſpicable, it will no longer ſerve their turn, either at home or in Aſia. But with regard to the Nabob, they ſhould have the wiſdom to conſider, that the very exerciſe of mock authority is ſufficiently mortifying, eſpecially in countries that are characteriſtically proud. They ſhould be aware of linking the ſenſe of inſulted greatneſs, with the feelings of oppreſſed induſtry.

"received from them for his staying in Hindostan, and that you should "send him to Europe.

"As there is no difference between us, and I never can deviate from "your order, but wish to obey the Company in preference to any "Chiefs whatever, I went to Colonel Barker at Illahabad, carrying "Captain Nicol with me, whom I gave up to Colonel Barker, and he "is now on his way to you. Out of regard to our friendship, it is "proper that, for my satisfaction, you suffer this gentleman to remain "two or three years in Calcutta, and grant him a licence for carrying "on trade, that by means thereof he may acquire some money, when "he will go to Europe. And without doubt, out of the strict friend-"ship between you and me, you will act accordingly as I have written, "and keep him in Calcutta, because I am highly pleased with the good "service of this gentleman, and in doing this you will likewise give "satisfaction to General Carnac."

Acordingly, on the 13th March 1767, Colonel Sir Robert Barker sent a party of seapoys to seize Mr. Nicol: who being so seized, was put into a boat, and, notwithstanding all his remonstrances, and representations that his fortune and effects were dispersed about the country, without any person to take care of them, he was thus carried down the river under a guard with fixed bayonets to the Company's fort at Monghheer, where Colonel Joseph Peach had received orders from Governor Verelst to detain Mr. Nicol under confinement. He was there accordingly confined, exposed to a contagious distemper which then raged in the fort, and to all the insolence and ill treatment of black seapoys, one of whom followed him wherever he went, with a drawn sword, as many persons can attest, particularly Captain George Knott and Patrick Duff, and Lieutenants Guienett and Ramsay, officers then in the said service, until the 1st September 1767, when he was again marched under a guard to a boat, and carried to Calcutta, where he arrived on the 9th; but was kept aboard the boat, close to the shore, in imminent danger of his life from the baans *; till the 12th September 1767; when he was ordered by Mr. Verelst into the New Fort. Being now arrived within the districts of the Company's charter of justice, Mr. Nicol ap-

* Upon the influx of spring-tides into the Ganges, there is a fair contest between the sea and the river. When the sea has overpowered the torrent of the Ganges, it rises over the level of the fresh water, and rushes in with the greatest rapidity and violence in large waves on each side the river, for many miles above Calcutta. There is at this time no security for boats but by getting them into the middle of the river, which the roaring of the waves, being heard at a great distance, gives the diligent boatman sufficient time to effect. This is what the natives of Bengal call Baan.

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plied to an attorney at law for assistance, who, after three days deliberation, wrote to Mr. Nicol, as follows.

"SIR,

"The cause of your confinement I am an entire stranger to, but do "imagine the Mayor's Court, to which I belong, cannot take any cog- "nizance thereof. The method that has been taken for redress here "by gentlemen in your situation, was by protest from the notary "public. I am,

"SIR,

"Your most obedient servant,

"12th Sept. 1767, Calcutta. W^M ATKINSON."

The perusal of this letter occasioned the following being written by Mr. Nicol:

"To the Honourable Harry Verelst, Esquire, President, &c. Council "of Fort-William.

"GENTLEMEN,

"I beg leave to inform you, that in March last I was settled as a "merchant, in the Vizier Nabob, Sujah al Dowlah's country, (your "ally) whose authority I had, when I was informed that you had wrote "to the Vizier, to allow your troops to make me a prisoner: on which "I wrote to Colonel Sir Robert Barker, the commanding officer of your "troops at Illahabad, of which letter you have a copy inclosed.

"I considered how soon an affair of this kind ought to be brought "to a hearing, and that I might not be the occasion of a misunder- "standing between you, gentlemen, and one of your allies, I informed "the Vizier Nabob, Sujah al Dowlah, that I had come to the resolution "of not waiting for Sir Robert Barker's answer, but of setting out im- "mediately for Illahabad; who replied, that, if I had resolved on it, "he would accompany me thither, and get Colonel Barker's leave for "me to remain there, till he had wrote you on the subject. But, to "my great surprize, Sir Robert Barker made me a prisoner on my ar- "rival, and informed me, gentlemen, that it was by your order; and "that he must send me down in three days, which he did, under a "guard of seapoys with fixed bayonets, who carried me to Mongheer "Fort. There I was a prisoner from the 2d April to the 1st September, "when I was by the Brigade-major carried out of my house by a

"guard of seapoys with fixed bayonets, and delivered over to Lieutenant Brown, who brought me down with a party of seapoys, and delivered me over, on the 12th September, to Mr. Cook, their Fort-adjutant, where I am now confined, without any legal cause assigned. I have only one word more, gentlemen, and I have done, which is, that it appears very extraordinary to me, that I should be confined upwards of six months without having a hearing; and that if I had been sent from Mongheer ten days sooner, I should have been here in time to have been tried at the quarter sessions.

"But you are too sensible, gentlemen, that you have nothing to alledge against me which I am ashamed of, or you can make a plea of for my imprisonment. I beg the favour of your answer, and remain with respect,

"GENTLEMEN,

"Your most humble servant,

"From my prison, New Fort-William, "the 13th Sept. 1767." (Signed) "JAMES NICOL."

Mr. Nicol could obtain no satisfaction whatever. But on the 16th September 1767, the following letter, from the Governor and Council of Calcutta, was delivered to him by Lieutenant Cook, the Fort-adjutant.

"To Mr. James Nicol.

"SIR,

"I am directed by the Honourable the President and Council to acquaint you, that they insist on your embarking on the Lord Holland for Europe, *in consequence of the part you acted in the late association, and your behaviour since;* that Captain Nairne has an order to receive you on board, with your necessaries; and also that he has been paid 30 l. sterling, in order to supply you with fresh provisions during the voyage. I am,

"SIR,

"Your most obedient servant,

"Fort-William, the 14th "Sept. 1767." SIMEON DROZ, secretary."

This was the first formal notice Mr. Nicol had ever received of any accusation of misbehaviour, having been ignorant and innocent of any: and

and it was the first notice he had ever received to quit India. It was therefore one among the many strong instances that have been given of the summary way of administering justice, which has of late been adopted in Calcutta, viz. by condemning and punishing first, and then informing the parties what it is for; but taking care to afford them no opportunities for proving their innocence, and escaping the highest injuries..

Mr. THOMAS DAVIE went out to the East Indies in the month of February 1762, licensed by the Company as a free mariner, who (as we have seen in our 10th chapter) at that time went out licensed, for an unlimited time, to reside and trade in all parts of India within the Company's limits, upon only giving security in 500l. not to become chargeable to the Company.

Upon the commencement of the troubles with Cossim Ally Khawn, he entered into the military service of the Company. On the 13th January 1764, he was promoted to the station of an Ensign; and on the 26th February 1765, he was further advanced to the rank of Lieutenant. This commission he resigned; and the resignation was formally accepted, as will appear by the following letter.

" To Mr. Thomas Davie, at Burdwan.

" SIR, Chuprah, the 21st June 1766.

" I this day received your letter of the 16th May, and immediately " communicated the contents to Lord Clive. His Lordship directs me " to acquaint you, that since you have thought proper to resign your " commission, you are no longer to be considered as in the service, " and are therefore immediately to repair to Calcutta.

" I am, SIR,

" Your most obedient humble servant,

(Signed) " HENRY STRACHEY, secretary."

Mr. Davie in obedience to his Lordship's order repaired to Calcutta, but was never informed of any particular business his Lordship had for him there; and being relieved from all military engagements, upon the strength of his original licence, he continued to reside there, and in other different parts of Hindostan, as a private merchant, in which situation he continued many months unmolested, peaceably and strictly complying

complying with the laws of the community wherever he resided. His business having called him to Illahabad, on the 9th of March 1767, he was there suddenly seized by a party of seapoys detached from the brigade of the English army, then at that city, under the command of Colonel Sir Robert Barker, from whence he was carried to Patna, and thence to Mongheer. After being there confined for near three months, without any reason being alledged for it, he was then conveyed in company with Mr. James Nicol to Calcutta, where he arrived on the 9th September 1767, and continued imprisoned in company with Mr. Nicol.

While he thus continued under guard, he received the following letter.

" To Mr. Thomas Davie.

" S I R,

" I am directed by the Honourable the President and Council to acquaint you, that they insist upon your embarking on board the Lord Holland for Europe, *in consequence of the part you acted in the late association*, AND YOUR MISBEHAVIOUR SINCE; that Captain Nairne has an order to receive you on board with your necessaries, and also that he has been paid the sum of 30l. sterling, in order to supply you with fresh provisions during the voyage. I am, Sir,

" Your most obedient servant,

" Fort-William, the 10th Sept. 1767. SIMEON DROZ, secretary."

Mr. Davie had never been prohibited from trade, admitting that the Company even possessed that power, neither had he ever been informed that his residence or even any part of his trade were injurious or incovenient to the Company. This was, moreover, the first information he had ever received of any misbehaviour, of which he was totally ignorant, and the first notice he had had for leaving India.

These two gentlemen were continued in prison together: and on the 17th September 1767, the Serjeant-major delivered an order to the Serjeant of their guard, from Captain Frederick Thomas Smith, the Town-major, not to suffer them to go out of their own room on any account whatever, except to the necessary-house: the centinels were at the same time ordered to be removed to the inside of their prison.

During the time these persecuted gentlemen were suffering such hardships, a humane gentleman, then Adjutant of the artillery in the Company's

pany's ſervice, named Bonny, and who had done them ſome acts of kindneſs, was ſent for by the Town-major, who ſeverely reprimanded him for it, and told him, that were the Preſident to know what he had done, the probable conſequence would be his diſmiſſion from the ſervice.

In the night of the 18th September 1767, Lieutenant George Brown went with a party of Soldiers, and by order of the Governor ſeized the priſoners, forced them into a boat, and afterwards put them on board a ſloop, carried them down the river, and kept them confined on board, in a miſerable ſituation, till the 12th October 1767, when they were forced * on board the Lord Holland Indiaman, Capt. Nairne; who, from motives of prudence, refuſed to receive or keep them as priſoners on board his ſhip.

Upon Captain Nairne's ordering Lieutenant Brown and his ſeapoys from off his deck, the Lieutenant found himſelf neceſſitated likewiſe to take his priſoners with him into the ſloop, where Mr. Nicol fell dangerouſly ill of a † pucka fever. Had he died, he would probably have been thrown overboard, as food for the alligators, and all his complaints would have ſunk into oblivion with him. But his miſeries were not to end here. The priſoners were conveyed back to their confinement at Calcutta ‡, where the diſorder of Mr. Nicol continued to in-

* Theſe gentlemen reſigned their commiſſions in May 1766, and their reſignations were accepted. They were afterwards left unmoleſted to follow their lawful trade in different parts of Hindoſtan, which trade was not, in any reſpect, injurious to the Company. Nevertheleſs, without any previous notice, they were to be forcibly ſent to England, upon an illegal accuſation of a pretended offence committed ſixteen months before, and for which they were in no ſhape called to any account, when others were ſo ſeized and tranſported. The ſtrong deſire of the ruling party in Bengal to get theſe gentlemen from India will appear from the following letter of the Governor's to the officer who had charge of them:

"To Lieutenant Brown.

"SIR,

"I have received your letter of the 7th inſtant. My orders to you were, to keep Meſſrs. Nicol "and Davie under your particular cuſtody, until Capt. Nairne ſhould have come on board the Lord "Holland with his diſpatches from us for England, and that you ſhould then embark them thereon "as paſſengers. He has already left Calcutta, and I hope this conduct has been obſerved by you. If "this ſhould reach you in time, the only direction I have farther to give you, is, to take proper care "that neither of thoſe gentlemen quit the ſhip and attempt a paſſage back to Calcutta, upon any re- "turning ſhip or veſſel.

"I am, SIR,
"Your moſt obedient humble ſervant,

"Fort-William, the 10th Oct. 1767. (Signed) HARRY VERELST."

† A putrid fever ſo called, it is generally fatal, and ſometimes carries perſons off in twenty-four hours.

‡ Surely ſuch ſeverities, from ſuch cauſes, muſt ſerve to remind every reader of the tyranny and cruelty of Baſtiles and Inquiſitions, and of the treatment of unhappy captives by barbarous nations.

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crease: and on the surgeon's representation of his danger to Mr. Verelst, both prisoners were enlarged on their parole of plighted honour, not to quit Calcutta without the Governor's permission, and to embrace the first good occasion of their going to Europe.

When Mr. Nicol had so far recovered his health as to be able to walk out with the surgeon's permission, he went to Mr. Richard Whittall, another attorney of the Mayor's Court, to consult with him on the means proper to be used for obtaining justice for the injuries he had received from the President and Council of Calcutta; who told him no redress was to be expected in India; *that no § attorney dared to act for him*, and that all he could do, was to lay a state of his wrongs before a Notary Public, and desire him to frame a protest against the persons who had injured him. He accordingly went to Mr. John Holme, the only Notary Public there, who repeatedly declined it, from a fear, as he said, of incurring the displeasure of the Governor and Council. Mr. Nicol then sought to get some person to go with him, to serve as a witness of Mr. Holme's refusal: but so great and general was the dread of displeasing the Governor and Council, that no person whom he applied to would grant his request. At last Mr. Nicol took his fellow-prisoner with him, and in his presence demanded again of the Notary Public the discharge of his duty. But he continued to refuse the drawing up of a protest, or even the registering of one that was previously prepared and presented to him for that purpose; nay at last told Mr. Nicol, If he thought himself injured, he might go to England, and sue for redress in the Court of King's Bench *.

Mr. Nicol, by petition, then complained to the Mayor's Court, representing, that he had applied to all the attornies of that court, but finding himself unable to obtain justice in Calcutta, and being informed that a protest, duly authenticated by a Notary Public, was the only voucher of authority he could carry with him to England, of his having endeavoured in vain to obtain Justice in India, he had made repeated applications to Mr. John Holme for that purpose, who was the only Notary or Register in Calcutta, who had constantly refused either to note, register, or authenticate any such instrument. The attesting affidavit of Mr. Thomas Davie was prefixed to this petition, and being read by Mr. Thomas Woodward, then Mayor, and the Aldermen on the bench,

§ The state of justice cannot be on a worse footing either in Tartary or Barbary.

* To very little purpose can actions be commenced in the King's Bench, whilst such insurmountable difficulties are suffered to occur in the procuring of evidence from India; where such despotism is established, as may be supposed to operate irresistibly, on the side of oppression.

they

they informed Mr. Nicol, that it was a matter that did not fall properly within their cognizance, nor could they oblige Mr. Holme to draw out the protest; but they said, he could not in justice refuse doing it.

However, at last Mr. Holme did consent to note the protest, which after all, when obtained, could be of little service to Mr. Nicol, as it would be of no avail in any court of law in England. The prisoners soon afterwards redeemed their pledged honour, by informing the Governor of their design to embark for England, which they put in execution on the 18th December 1767, after suffering long imprisonments, being much injured in their fortunes, having their views in life blasted, (and Mr. Nicol in particular with a constitution much impaired) to wait, in England, the arrival of their oppressors from India, and perhaps the more precarious issues of tedious suits at law, in which the most essential proofs of injuries can only be had from India, where their oppressors act as magistrates, as judges, and as sovereigns; so that, in spite of all laws in being, their very obtaining of evidence may be effectually prevented, though applied for by a commission issued from any court of this kingdom.

N° XXXIII.

The Case of JOHN NEVILL PARKER, Esquire, of Bengal; with Sir Fletcher Norton's Opinion thereon.

John Nevill Parker, Esquire, a Lieutenant in the King's service, on the 5th March 1764, obtained, with his Majesty's permission, a commission from the Company, as captain of foot, having enlisted and carried over with him to India a company of an hundred and ten men.

He resigned his commission on account of the reduction of camp allowance, taken notice of in the foregoing cases, called Batta, and, on the 18th May 1766, he was permitted by Major Smith to quit the army. Notwithstanding which, it was afterwards pretended that he was still a military man: and, on the 5th of June 1766, when engaged on his own private business, he was suddenly seized at Banaras, in the jurisdiction of the Nabob Sujah'al Dowlah, by an order from Colonel Richard Smith, where he was ignominiously dragged through the streets, and then close confined. He was conducted thence to Chuprah, where he arrived on the 14th June 1766, and on the 16th of the same month he arrived at Patna. He was then carried to a building named Chehel-Setoon, and confined in an almost insupportable hole;

and on the 16th September 1766, he was ſummoned to attend a court martial; where he was informed his former reſignation was now deemed mutiny, for which he was to be tried.

Captain Parker objected to the authority of the court, inſiſting that he had never entered into any contract or agreement with the Eaſt India Company, to ſerve them for any fixed time; that he had reſigned their employ in the beginning of May laſt, had not been muſtered for ſome months before, nor had he received any pay ſince the preceding month of April.

The following is a copy of Captain Parker's Proteſt, delivered to the Court on the 17th September 1766.

"Gentlemen, Preſident and Members,

"I am aſtoniſhed when I reflect on the ignominious treatment I have "endured, and am more particularly ſurprized at being oppreſſed by "thoſe whoſe ſphere it is to protect the ſubject, ſupport the glorious "conſtitution of England, and exert as well as cheriſh its laws. But "when theſe juſt and laudable motives are no longer thought worthy "of attention, individuals ſo far diſtant from the ſeat of liberty, deſti-"tute of friends, intereſt, and every other ſupport, are borne down by "a torrent of perſecution, and dragged, in defiance of all laws, from "place to place, as I have moſt injuriouſly experienced.

"I preſume, Gentlemen, it is neceſſary to acquaint you, that I "never entered into any contract or agreement to ſerve the Honourable "Company: and I did, for many obvious reaſons, reſign their employ "in the beginning of May laſt; neither was I muſtered for months be-"fore that time; nor have I received pay, or any other allowance, "ſince the preceding month of April; and, in confirmation thereof, "when I was, with the reſt of the late officers, doing duty in the gar-"riſon of Illahabad, Major Smith, the commanding officer, on the "15th May laſt, ſummoned us, and publiſhed a letter ſent him by Co-"lonel Smith from the Right Honourable the Commander in Chief, "wherein he declared, He would accept of the reſignation of all thoſe "officers who ſignified their intention of quitting the ſervice; in an-"ſwer to which, we informed Major Smith we ſhould leave the gar-"riſon on the 20th of that month, or ſooner, if we could provide our-"ſelves with boats to proceed to Calcutta. On the 17th of that month "I left Illahabad with the Major's approbation, and in a few days after "I arrived at Banaras, where I was ſeized the 5th June following, by "an order of Colonel Smith, bearing date the 1ſt of the ſame month. "I cannot ſuppoſe, Gentlemen, knowing theſe facts, which I can now

" prove, and which are by the laws of Great Britain insuperable ob-
" stacles to my being tried by a military court, that you will proceed
" further against me.

" The shocking and degrading manner of apprehending me, and " the many insults I have publicly suffered, so reflected on my cha- " racter as an officer, in which station I have had the honour to serve " my King and Country for many years, with the approbation and ap- " plause of my superiors, that I determined to solicit a trial: and it " was firmly my intention to have stood one, had I been released, and " it allowed to have been a voluntary act of mine. But so far was I " from being even countenanced by his Lordship, or obtaining the least " mitigation of the severity of my treatment, that insults were repeat- " ed: and I had been a prisoner forty days previous to my being or- " dered before the last court-martial; and, as a farther aggravation, I " was still continued under the same disagreeable circumstances; and " I have, all together, suffered this cruel and vexatious imprisonment " three months and ten days: which are the motives that induced me " to object to my being tried, and from which I am resolved never to " swerve as long as I am thus mal-treated. Think not, Gentlemen, that " these sentiments proceed from any apprehension of the consequences " of a trial: far from it. Conscious of my own innocence, and having " the highest opinion of the abilities, experience, and impartiality of " every one of you, I doubt not, could you with propriety try me, " but that I should be honourably acquitted of the crime maliciously " preferred against me.

" You have now, Gentlemen, a matter of importance to determine, " however trivial it may appear regarding me. Yet in my case must " be decided that of every British subject, who is, or may hereafter " enter into the Honourable Company's military service, and whether " liberty in this part of the world is a shadow or not.

" Lest it should be imagined by any person that my consent is not re- " quisite to try me legally, I beg leave to refer them to that recent and simi- " lar instance of Lord George Sackville, who having resigned his military " employments by order of his Majesty, afterwards solicited a court- " martial, to clear his character of many imputations laid to his charge; " which was refused him, on account of his having no connection with " the army, and of course not being subject to military law. Notwith- " standing, upon his repeated application, and after the opinion of the " judges of England had been taken, who declared he could not be " tried by a military court, except by his own desire and approbation, " his Majesty was graciously pleased to grant his request.

"As I have used my endeavours in every part hereof to pay a proper
"deference to the Court, I hope therefore I have not transgressed, or
"deviated from the respect so justly due on all occasions.

(Signed) "JNº NEVILL PARKER."

The Court over-ruled Capt. Parker's objections to their jurisdiction, and insisted he should answer the charge, and only have *two hours* time to consider whether he would make his defence or not.

Having been long confined, his life and character being at stake, and he still holding a commission in his Majesty's service; he undertook, under all disadvantages, to make his defence as well as he could, and several witnesses were examined. But the Court in a very extraordinary manner refused to let him examine his witnesses to several points in his justification, particularly, not admitting him to prove his resignation of the Company's service. He was also refused a copy, which he demanded, of the warrant by which the court-martial was authorized to try him.

Notwithstanding all these disadvantages under which Capt. Parker laboured, the Court-martial was necessitated honourably to acquit him of the crime of mutiny laid to his charge. Nevertheless, he was ordered down to Calcutta, being near four hundred miles from Patna, after having been kept close confined, in a manner the most ignominious, and dangerous to his health, from the 5th June to the 17th October 1766, and was in other various respects very illegally treated.

Sir Fletcher Norton's opinion of this case.

"This is a case under very extraordinary circumstances; and upon
"this state of facts, it appears, that Mr. Parker has been very ill used,
"and the proceedings against him arbitrary and oppressive. *But I am*
"*not able to point out a remedy which will not be attended with many*
"*difficulties, and the success doubtful.* However, if Captain Parker will
"run the hazard of the costs of an action at law, which are not very
"great, I think it will be advisable for him to bring an action, for an
"assault and false imprisonment, against Lord Clive, the President,
"and one or two more members of the Court-martial, and the persons
"who actually apprehended and confined him; but great care must
"be taken in settling the pleadings, if any of them should plead spe-
"cially, to get proper issues put upon the record.

"Lincoln's-Inn, March, 1768. (Signed) FLETR. NORTON."

Mr.

Mr. Parker thus buoyed up with an opinion that he might obtain redress for the long imprisonment he had sustained, and his arbitrary dismission from the Company's service, though acquitted by a Court-martial under all the influence which power and management might be supposed to effect, brought his action and damages against Lord Clive. After combating for two years all the evasions which the shameful privilege of parliament then permitted Lord Clive to use, they were at last brought to a period, when he was obliged either to enter his plea of justification or suffer judgment to be entered up against him. Being unable, with the assistance of half the council of England, to assign any justification that would bear a judicious examination on paper, the plaintiff was at liberty to enter up his judgment. Here again the attorney was intimidated by the privilege of parliament: and was told besides, that unless his client should come into an agreement of permitting certain papers in the India house, which were no legal evidence, to be read at the trial, on the behalf of the defendant, and likewise permit the defendant to plead the general issue, and give the whole special matter in evidence, the court would be moved for a commission to examine witnesses in India, which would at least last them half a dozen years. The poor oppressed gentleman, who had already expended all the money he had acquired; and seeing no end to the labours he was to undergo in obtaining a precarious redress in the end, under all the influence of the East India Company, which was now exerted against him, accordingly submitted to the fatal compromise, without the advice of his worthy and honourable council, Mr. Dunning, who immediately foresaw the pernicious consequences, but notwithstanding exerted himself to the last in resisting every act of power, party, corruption, and partiality, which was displayed to the conclusion of this process. Mr. Parker was first nonsuited upon a point of law taken up by Lord Mansfield, upon which, however, his lordship had not the good fortune to carry the opinion of the other judges of the court. The matter was finished by a kind of compromise, ending in a resolution which nobody had ever controverted, namely, "that an officer in the service of the "East India Company has not a right to resign his commission at all "times, and under all circumstances whatsoever, whenever he pleased." Upon the trial, Mr. Parker's chief difficulty was, to prove that Lord Clive had ever known of his being under arrest, during the five months he had been dragged about, although when in his sickly situation, by his long confinement, he had been visited by Mr. Ingham, Lord Clive's body-physician, living in his family on the spot, who had the honesty to declare upon the trial, that he did not believe he had ever made any

report to Lord Clive; and although the constant practice of the army is, to make a daily report in writing by the officer who leaves the guard, of the number of prisoners, how long confined, and for what crimes; and that it was proved Lord Clive, the Commander in Chief, had resided seven weeks in the place where Mr. Parker was a prisoner: yet the jury were told, and it may be presumed rightly told, according to the maxims of common law, that there was no proof to shew Lord Clive knew of the plaintiff's confinement: upon which ground chiefly a verdict was found for the defendant.

N° XXXIV.

Copy of the Indenture executed by Free Mariners, on their going out to India with licence from the East India Company.

This Indenture, made the day of in year of our Lord one thousand seven hundred and and in the year of the reign of our Sovereign Lord GEORGE the by the grace of God, of Great-Britain, France and Ireland, King, Defender of the Faith, and so forth; BETWEEN the United Company of Merchants of England, trading to the East Indies, of the one part, and of mariner, of the other part. WHEREAS the said United Company have, at the special request and entreaty of the said and upon the conditions and agreements herein contained on the part of the said to be performed, licensed and permitted the said to proceed to in the East Indies, within the limits of the said Company's trade, in order to provide for himself in the seafaring way, and to continue in the East Indies aforesaid, for the term of years.

NOW THIS INDENTURE WITNESSETH, and the said for himself, his, heirs, executors, and administrators, doth by these presents covenant, promise, and agree, to and with the said United Company in manner following; that is to say, that he the said from the time of his arrival at aforesaid, for and during, and unto the full end and expiration of years, shall and will behave and conduct himself, from time to time, and in all respects conformable to the rules, orders, and directions of the said United Company, or of their President and Council of their settlement aforesaid. And that he the said will not, directly or indirectly,

serve

serve or be in any-wise assisting to, or employed by, or for any foreign company trading in or to the East Indies, or any person or persons whatsoever, who do or shall, during the continuance of these presents, traffick, adventure, or trade to, in, or from the East Indies, or elsewhere, within the limits of the said Company's trade, by or under, or by virtue of any foreign commission, licence, or authority whatsoever. PROVIDED ALWAYS, and it is hereby expresly covenanted, declared, and agreed between the parties to these presents, and it is the true intent and meaning thereof, that in case the said shall make default in any of the covenants herein before contained, or shall, during the said term of years, receive notice from the said Company's President and Council of their settlement aforesaid, to quit the said settlement, and return to England, for any misbehaviour by him the said done or committed towards the said Company, or concerning the peace and good order of the said settlement, that then, and in either of the said cases, he the said shall not, nor will, upon any account or pretence whatsoever, stay, or continue longer in the East Indies than for the space of months after receiving such notice, and that from and immediately after the expiration of the said months, *it shall and may be lawful* for the said Company's President and Council, at the said settlement, to cause the said and his family to be put on board any ship employed by the said Company, *for the purpose of being transported* to Great Britain, at the said Company's expence, and in case of refusal on the part of the said to cause the said *to be apprehended* and put on board such ship, together with his family. AND FURTHER, in case of such apprehending, putting on board, and transporting the said and his family, in manner aforesaid, the said doth hereby covenant, promise, and agree to, and with the said United Company, *that he the said his executors or administrators, shall not nor will commence, sue, or prosecute the said Company, or their Court of Directors, or any of their Presidents and Council, Commanders, or Officers* of any such ship, or any other person employed in any of the matters aforesaid, in or by any action, suit, or other prosecution, civil or criminal, in respect of such apprehending him the said or of putting on board and transporting him the said and his family to Great Britain in manner aforesaid. And in case any such action, suit, or prosecution shall be commenced or prosecuted for any of the matters aforesaid, the said doth hereby covenant and agree to and with the said Company, *that the general issue may be pleaded, and this indenture,*

indenture, or any other special matter may be given in evidence, by all or any of the defendants, in any such suit, action, or prosecution, in bar, discharge, and defence thereof; any thing in these presents contained to the contrary thereof notwithstanding. And the said United Company do hereby for themselves and their successors, covenant, promise, and agree, to and with the said that he the said truly and faithfully observing, fulfilling, and keeping the several covenants and agreements herein expressed and contained on his part, to be observed, fulfilled, and kept, shall and *may peaceably and quietly trade and traffick in* the East Indies aforesaid, in the capacity of a free mariner, and shall enjoy the said Company's protection. AND LASTLY, it is hereby covenanted, concluded, and agreed by and between the said parties hereto, that if the said shall be permitted to continue in the East Indies, in the quality or capacity of a free mariner, after the expiration of the said term of years hereby stipulated, that then such the continuance and trading there of the said shall be upon the same terms, conditions, covenants, and agreements as are herein before expressed and contained on his part, during the term herein mentioned, and not otherwise. IN WITNESS whereof, to one part of this indenture the said hath put his hand and seal, and to the other part thereof the said United Company have caused their common seal to be affixed, the day and year above-written.

Sealed and delivered (being first duly stamped) in the presence of

N° XXXV.

COPY of the Indenture executed by the East India Company's civil, or covenanted servants; whereby they engage not to receive from the Country Princes in India any presents in money, jewels, lands, revenues, or other effects, but such as are permitted by the said Company.

This Indenture, made the day of in the year of the reign of our Sovereign Lord by the Grace of God, King of Great Britain, France and Ireland, Defender of the Faith, and so forth, and in the year of our Lord one thousand

feven hundred and feventy   BETWEEN
of the one part, and the United Company of Merchants of England, trading to the Eaft Indies, of the other part: WHEREAS the faid   is now employed in the fervice of the faid United Company as one of their   at their chief fettlement of   in the Eaft Indies, NOW THIS INDENTURE WITNESSETH, and the faid   in compliance with a refolution of a General Court of the faid United Company, and for and in confideration of what he is or fhall be intitled to receive from the faid Company in refpect of his faid fervice, or in refpect of any other ftation, capacity, or employment in which the faid   may hereafter be retained or employed by the faid United Company, or their Court of Directors, DOTH hereby for himfelf, his heirs, executors, and adminiftrators, covenant, promife, and agree to and with the faid United Company, that he the faid   fhall not, nor will at any time or times hereafter, during his being employed in the faid Company's fervice, in any ftation or capacity whatfoever, either by himfelf or by any other perfon or perfons whomfoever, in truft for him, or for his ufe, directly or indirectly, accept, take, or receive, or agree to accept, take, or receive any gift or grant of lands, or rents or revenues iffuing out of lands, or any territorial poffeffion, jurifdiction, dominion, power or authority whatfoever, from any of the Indian Princes, Sovereigns, Subahs, or Nabobs, or any of their minifters, fervants, or agents, for any fervice or fervices, or upon any account or pretence whatfoever, without the licence or confent of the Court of Directors for the time being of the faid United Company, fignified under their hands; nor fhall or will, at any time or times hereafter, during his being employed in the faid United Company's fervice, in any ftation or capacity whatfoever, either by himfelf or any other perfon or perfons whomfoever, in truft for him or for his ufe, directly or indirectly, accept, take, or receive, or agree to accept, take, or receive any gift, reward, gratuity, allowance, donation, or compenfation, in money, effects, jewels, or otherwife howfoever, from any of the Indian Princes, Sove[illegible]s, Subahs, or Nabobs, or any of their minifters, fervants, or agents, exceeding the value of *four thoufand rupees*, for any fervice or fervices performed or to be performed by the faid   in India, or upon any other account or pretence whatfoever, without the like licence or confent of the faid Court of Directors of the faid United Company, fignified as aforefaid; nor any fuch reward, gratuity, allowance, donation, or compenfation, exceeding the value of *one thoufand rupees*, and under the value of *four thoufand rupees*, without the licence or

R   confent

conſent of the Preſident and Council for the time being of the preſidency or ſettlement where the ſaid ſhall be employed; and that he ſaid ſhall and will convey, aſſign, and make over to the ſaid United Company, for their ſole and proper uſe and benefit, all and every ſuch gifts or grants of lands, or rents or revenues iſſuing out of lands, or any ſuch territorial poſſeſſion, juriſdiction, dominion, power, or authority whatſoever; and alſo account for and pay to the ſaid United Company, for their ſole and proper uſe and benefit, all and every ſuch gifts, rewards, gratuities, allowances, donations, or compenſations whatſoever, which, contrary to the true intent and meaning of theſe preſents, ſhall come to the hands, poſſeſſion, or power of the ſaid or any other perſon or perſons in truſt for him, or for his uſe as aforeſaid. IN WITNESS whereof, to one part of theſe indentures the ſaid hath ſet his hand and ſeal, and to the other part thereof the ſaid United Company have cauſed their common ſeal to be put, the day and year above written.

Sealed and delivered (being firſt duly ſtamped) in the preſence of

Nº XXXVI.

COPY of the Indenture of Covenants executed by gentlemen emigrating to India, in the military ſervice of the Engliſh Eaſt India Company.

This Indenture, made the Day of in the year of the reign of our Sovereign Lord by the Grace of God, King of Great Britain, France, and Ireland, Defender of the Faith, and ſo forth, and in the year of our Lord one thouſand ſeven hundred and BETWEEN of the one part, and the United Company of Merchants of England, trading to the Eaſt Indies, of the other part: WHEREAS the Court of Directors for the affairs of the ſaid United Company have granted a commiſſion to the ſaid appointing him in their military forces in the Eaſt Indies, NOW THIS INDENTURE WITNESSETH, and the ſaid in compliance with a reſolution of a General Court of the ſaid United Company, and in conſideration of what he is or ſhall be entitled to receive from the ſaid Company, in

respect of his said service, or in respect of any other military station or employment in which the said may hereafter be employed by the said United Company, or their Court of Directors, DOTH hereby for himself, his heirs, executors, and administrators, covenant, promise, and agree to and with the said United Company, that he the said shall not, nor will at any time or times hereafter during his being employed in the said Company's service, in any station or capacity whatsoever, either by himself or by any other person or persons whomsoever in trust for him or for his use, directly or indirectly, accept, take, or receive, or agree to accept, take, or receive any gift or grant of lands, or rents for revenues issuing out of lands, or any territorial possession, jurisdiction, dominion, power, or authority whatsoever, from any of the Indian Princes, Sovereigns, Subahs, or Nabobs, or any of their ministers, servants, or agents, for any service or services, or upon any account or pretence whatsoever, without the licence or consent of the Court of Directors for the time being of the said United Company, signified under their hands; nor shall or will, at any time or times hereafter during his being employed in the said United Company's service, in any station or capacity whatsoever, either by himself or any other person or persons whomsoever in trust for him or for his use, directly or indirectly, accept, take, or receive, or agree to accept, take, or receive any gift, reward, gratuity, allowance, donation, or compensation, in money, effects, jewels, or otherwise howsoever, from any of the Indian Princes, Sovereigns, Subahs, or Nabobs, or any of their ministers, servants, or agents, exceeding the value of *four thousand rupees*, for any service or services performed or to be performed by the said in India, or upon any other account or pretence whatsoever, without the like licence or consent of the said Court of Directors of the said United Company, signified as aforesaid; nor any such reward, gratuity, allowance, donation, or compensation, exceeding the value of *one thousand rupees*, and under the value of *four thousand rupees*, without the licence or consent of the said President and Council for the time being of the presidency or settlement where the said shall be employed; and that he the said shall and will convey, assign, and make over to the said United Company, for their sole and proper use and benefit, all and every such gifts or grants of lands, or rents or revenues issuing out of lands, or any such territorial possession, jurisdiction, dominion, power, or authority whatsoever; and also account for and pay to the said United Company, for their sole and proper use and benefit, all and every such gifts, rewards, gratuities, allowances, donations, or compensations whatsoever,

 which,

which, contrary to the true intent and meaning of these presents, shall come to the hands, possession, or power of the said or any other person or persons in trust for him, or for his use as aforesaid; PROVIDED always, that nothing herein contained shall hinder or prevent, or be deemed, taken, or construed to hinder or prevent the said from accepting or receiving a share or proportion, in respect of his military post or station, of any gift, gratuity, or donation, in money or effects, which any Indian Prince, Sovereign, Subah, or Nabob, shall or may in time of extreme danger, necessity, or emergency, give or bestow on any of the military officers or forces of the said United Company, provided such gift, gratuity, or donation be with the privity and consent of the Governor and Council of the presidency or settlement where the said shall be employed, and not otherwise: and provided also, that the same be not obtained or exacted by compulsion, or by way of bargain or contract for any service or services performed or to be performed; PROVIDED also, that no Governor or President of any of the said United Company's settlements in India shall, by virtue of his commission from the said United Company, be authorized or intitled to accept or receive any part, share, or proportion of any such gift, gratuity, or donation as is mentioned in the proviso herein before contained. AND THIS INDENTURE FURTHER WITNESSETH, and the said doth hereby covenant, consent, and agree, to and with the said United Company, that in case the said shall be dismissed the said United Company's military service, by sentence of court-martial, or by a resolution or order of the Company's President and Council of such settlement where the said shall serve or be, or if the said shall otherwise legally quit the said Company's military service, that then, and in any or either of the said cases, it shall be lawful to and for the said United Company's said President and Council, at any time after the expiration of six calendar months next following such dismission from or quitting the said Company's military service as aforesaid, *to carry and transport* the said at the expence of the said Company to Great Britain, in such ship employed in the said Company's service as the said President and Council shall for that purpose appoint. And in case the said shall neglect or refuse to repair or go on board such ship as aforesaid, by the space of *ten days* after notice shall be given him so to do, by order of the said President and Council, then and in such case, it shall be lawful for the said President and Council, and *they are hereby fully authorized and empowered to cause the said to be apprehended and detained, and to put him*

on board ſuch ſhip as aforeſaid, for the purpoſe of being carried and tranſported to Great Britain, ſo nevertheleſs, that no unneceſſary delay be ſought, nor any fit occaſion or opportunity loſt, in ſo detaining or putting on board the ſaid   And further, in caſe of ſuch apprehending, putting on board, and tranſporting the ſaid   in manner aforeſaid, the ſaid   doth hereby covenant, promiſe, and agree, to and with the ſaid United Company, *that he the ſaid   his executors or adminiſtrators, ſhall not nor will commence, ſue, or proſecute the ſaid United Company, or their Court of Directors, or any of their Preſidents and Council, Commanders or Officers* of any ſuch ſhips, or any other perſon employed in any of the matters aforeſaid, in or by any action, ſuit, or other proſecution, civil or criminal, in reſpect of ſuch apprehending him the ſaid   or of putting him on board and tranſporting him the ſaid   to Great Britain, in manner aforeſaid. And in caſe any ſuch action, ſuit, or proſecntion ſhall be commenced, ſued, or proſecuted, for any of the matters aforeſaid, the ſaid   doth hereby covenant and agree, to and with the ſaid Company, that *the general iſſue may be pleaded, and this preſent indenture, or any other ſpecial matter, may be given in evidence,* by any of the defendants in any ſuch ſuit, action, or proſecution, in bar, diſcharge, and defence thereof; any thing in theſe preſents contained to the contrary thereof in anywiſe notwithſtanding. In Witneſs whereof, to one part of this indenture the ſaid   hath put his hand and ſeal, and to the other part thereof the ſaid United Company have cauſed their common ſeal to be affixed, the day and year above-written.

Sealed and delivered (being firſt duly ſtamped) in the preſence of

N° XXXVII.

Copy of a Letter from [redacted] Eſquire, Reſident *at the Durbar,* to the *Secret Committee* at Calcutta. Dated the 24th July 1765.

" To William Brightwell Sumner, Eſquire, &c. Gentlemen of the Select Committee."

" Gentlemen,

" By the great, ſudden fall of rain, and the rapidity of the river, I " have been prevented from arriving here till yeſterday: I ſhall di-

"rectly proceed on my business with all possible dispatch, and you may "depend upon it, that nothing shall be wanting on my part, to finish "the affairs which I am commissioned on, as well as any others which "may fall to my management during my stay here, to the entire "satisfaction of the Committee.

"I have had the pleasure to receive several letters from Lord Clive "since I left Calcutta, wherein his Lordship represents to me the in- "conveniencies and difficulties *the present ministers* find in carrying "on the affairs of the government; owing to *the Nabob's* ignorance, "and his being totally unacquainted with any kind of business what- "ever; and to obviate and effectually remove an evil of so dangerous "a tendency, his Lordship recommends to me to endeavour to get "the Nabob to *throw the management of affairs entirely into the hands of* "*the ministers now in power*; to make over all the revenues arising "from the subahship, in order *to enable us* to pay the expences of the "army, discharge the demands for restitution, army, &c. and for an "annual stipend to the King, with other contingent expences, in con- "sideration of our paying him a sum of about fifty lacks per annum, "for his Horse, Seapoys, Begum, Brother's Zenana, Household charges, "and every other expence which may attend himself, provided this "affair be *sanctified* by a *Sunnud from the King*. This undoubtedly "will be a grand point: and to obtain it, I shall certainly exert my "endeavours, as I esteem it to be equally for *the Nabob's ease* and *our* "*own interest*; for it is certain the share of influence we enjoy in these "provinces, however great in appearance, does not carry with it those "*real advantages* and *weighty effects* which are necessary, not to leave "that power in danger of being disputed, and failing us at a time "when the Company is in most want of it; besides, it will be at- "tended with many further good consequences, particularly that of "effectually putting a stop to that dissipation of revenues which hath "reduced the Nabob, the Company, and the country, so frequently to "a distressed condition.

"I am getting an account of the Nabob's immediate expences, in "order to be able the better to judge what *stipend will be most suitable* "*to his rank and dignity*, and *our honour and credit*.

"Mr. Sumner having informed me, that there was a deficiency in the Money paid by the Nabob into our treasury, of about rupees 40,562 2 annas, I therefore acquaint you, that an order was sent

"the

"the day before yesterday for the payment of it, which I hope by this
"time is come safe to hand.

"I am, with the greatest respect,

"GENTLEMEN,

"Your most obedient, humble servant,

"*Moradbaug, the 24th
"July 1765. (Signed) FRANCIS SYKES."

Nº XXXVIII.

COPY of a Letter from *Francis Sykes*, Esquire, Resident *at the Durbar*, to the *Secret Committee* at Calcutta. Dated the 28th July 1765.

"To William Brightwell Sumner, Esquire, &c. Gentlemen of the Select Committee.

"GENTLEMEN,

"I have had the pleasure to receive your favour as late as only four "days ago, inclosing the plan for carrying on the trade of salt, betle-"nut, and tobacco, accompanied by several questions which required "to be answered by each member of the Select Committee severally, in "order to collect their sentiments, to enable you to proceed agreeably "thereto.

"Having replied to each query in a separate paper, leaves me very "little to say here on the subject. I have included the colonels and "lieutenant-colonels in the plan, more from a desire of removing every "spark of envy, and shewing *our disinterestedness in money matters*, "which certainly ought to be considered in a plan so extensive as this, "more than from any claim of real right; for as the Company's cove-"nanted servants only are intitled to dustucks, they certainly can be "the only persons intitled to a share in this trade; but I look upon this "as so great an object, that we can, without impropriety, make a vo-"luntary tender to these gentlemen, who are excluded from receiving "presents, as well as the Company's covenanted servants.

* One of the Nabob's gardens near Murshedabad.

"As

"As it is uncertain *what number of majors* we may have upon this
"establishment, I think, for that reason, it is not proper to include
"them, and likewise as they *may be too numerous a body*.

"I now inclose you the Nabob's perwanahs, &c. amounting to one
"hundred and six, which will enable you immediately to enter upon
"the contracts. I have been very particular in collecting the number
"of zemindars whose countries produce any salt, and think those I
"have sent you will be sufficient for the salt-works dependent on the
"Fowzdar of Hoogly, as well as for those which are to be under the
"management of the gentlemen of Dacca and Chittigong. You will
"find that the zemindars are entirely put under our authority, and
"are to comply with such regulations as you shall think proper to
"establish.

"I can with pleasure inform you, that I have completed the busi-
"ness which was so earnestly recommended to me by Lord Clive. The
"Nabob, after fully explaining to him the many advantages that would
"arise *to the public*, and how much he would be embarrassed from his
"little knowledge in affairs of so much consequence, has, after mature
"consideration, agreed to accept of a stipend of Sicca rupees, 5,386,161
"per annum: and will, in consequence of such agreement, *throw all*
"*the affairs of the government into the hands of Mahomed Reza Cawn,*
"*Doolubram, and Juggut Seat, the ministers appointed by Us;* and make
"over the management and revenue of the Subahdary for the payment
"of the forces, restitution, and other purposes mentioned in Lord
"Clive's letter of the 11th instant, provided the same be duly autho-
"rized and confirmed by the King. He was indeed *so fully persuaded*
"of the expediency of the measures proposed, *that he would have ac-*
"*cepted of fifty lacks:* but on perceiving how closely he was tied up
"relative to the allowance made him for his * Asswary, Emaumbarry
"expences, Zenana, and other articles, I thought *the credit of the Com-*
"*mittee required that his allowance should be enlarged;* particularly
"when I considered what a *glorious opportunity he gives us of establish-*
"*ing a new system of government*, which, if properly adopted, regu-
"lated, and pursued with steadiness and firmness, bids fairest for settling
"that tranquillity in the three provinces which has been so long want-
"ing, and confessed so essential for the good of the country, the Na-
"bob's ease, and the prosperity of the Company. This prospect, I
"own, appears to me to be of no less importance to our honourable
"employers, than that of establishing them in this kingdom beyond

* The retinue maintained for parade; the expences incurred at his mosques in religious matters, and the charges of his seraglio.

"the

" the attempts of any enemy whatever; and securing such real and
" solid advantages as, from our influence, we have a right to expect,
" and which must in a short time render the company the greatest and
" most potent commercial body in the world. But an essential preli-
" minary towards establishing this plan will be, to secure the dewan-
" nee, which, though formerly a very distinct office, is now become
" so dependent on the subahdary, that they cannot with any propriety
" be in two different interests. This can be very easily secured by
" Lord Clive; and I make no doubt but it will, on a representation
" from the Committee to his Lordship on the subject. In the course of
" regulating this business with the Nabob, I have had the greatest at-
" tention *to every part of his family, to prevent* their receiving any ill
" treatment, or *bad usage from him;* their allowance I have settled as
" follows; viz.

	Rupees per month.
To Seyf al Dowlah - - - - - - -	7000
Mobarek al Dowlah - - - - -	5000
Meran's son . - - - -	5000
The Begum and her family - - -	6000

" These sums, though much more than what has been hitherto ex-
" pended on their account, yet it is neither for our honour or credit
" *to deprive them of a support in life suitable to their rank and dignity.*
" I have, for the better securing these sums to them, got Mahomed
" Reza Khawn, Doolubram, and Juggut Seat, to take upon them the
" charge of this money, to pay it monthly, or as shall be most agree-
" able to them to receive it. These three persons are likewise to have
" the payment of all the Nabob's seapoys, horse, servants, &c. which
" he very readily and with pleasure consented to.

" Nothing now remains to finish this grand point entirely, but the
" obtaining a sunnud from *the King*, and the executing the obligation
" which is necessary to pass between the Company and the Nabob;
" but I shall defer this, until I have your's as well as his Lordship's
" authority for so doing.

" Since my arrival, I have been extremely watchful over the actions
" of Mahomed Reza Khawn, Doolubram, and Juggut Seat, that I
" might be able to form some judgment how the regulations which were
" lately made for the administration of the government were executed;
" and can with much satisfaction inform you, that I think every one
" acts with the greatest assiduity in his own office, without aiming

" at any encroachment on the partition of authority we judged neceſ-
" ſary for the ſecurity of the preſent eſtabliſhment. Whatever attempts
" might have been made on the balance of power by Doolubram, I am
" convinced he is very ſenſible of his error, and will give no cauſe for
" any further complaints. There is at preſent the greateſt harmony
" and cordiality ſubſiſting between the Nabob and his miniſters, as
" well as between the miniſters themſelves, that the beſt of conſe-
" quences is to be expected from it, and we may hope a continuance
" of it by a little attention only in the gentleman who reſides at the
" Durbar. *The Nabob is extremely polite, and very* TRACTABLE. I
" cannot conclude this ſubject without mentioning to you, Gentlemen,
" the very extraordinary aſſiduity and care of Mahomed Reza Khawn
" for the good of the Company and the country; and from his inde-
" fatigableneſs, joined with a principle of honour and integrity, we
" may expect affairs ſoon reduced into good form and order; a thing
" ſo much to be coveted.

" In three or four days time I hope to be able to ſend you about two
" lacks of rupees, but expect little or nothing more: but I muſt re-
" queſt that a tender of this money may be made the merchants as ſoon
" as the Company is in caſh, and their affairs will admit of its return,
" having given my word that this circumſtance will be complied with;
" *as I ſhould not otherwiſe have been able to obtain it, unleſs I had made*
" *uſe of* FORCE, a method which ought to be avoided.

" I am, with the greateſt reſpect,

" GENTLEMEN,

" Your moſt obedient, humble ſervant,

" Moradbaug, the 28th
" July 1765." (Signed) FRANCIS SYKES."

N° XXXIX.

Nº XXXIX.

Copy of a Letter from *Francis Sykes*, Esquire, Resident at *the Durbar*, to the *Secret Committee* at Calcutta. Dated the 31st October 1765.

" To the Right Honourable Lord Clive, President and Governor, " and the Gentlemen of the Select Committee.

" My Lord and Gentlemen,

" Inclosed I send you a statement of the Bahar revenues, as fixed for " this year; with a particular account of such parts as are assigned over " for the payment of the jagueers which have been granted by royal " authority, and whose names I also particularize.

" After a scrutiny into several years accounts, I find very little has " been really brought to the credit of the Nizamut, even in the most " peaceable times; but in Meer Jaffier's it has been a very heavy ex- " pence to him; little or nothing, I find, being collected even to sup- " port a part of the charges attending it. By the best accounts that I " can learn, we shall hardly come up to the present statement, though " I thought it would be better not to rate it lower this year, and the " next we might with more propriety judge of it's real value. The " expence in Ramnarain's, as well as in the present Nabob Itraam al " Dowlah's time, has been charged at 2,153,934–2–10, as you will " observe by the account I now inclose you. I have examined very " narrowly into every article, and have, with the assistance of Ma- " homed Reza Khawn, reduced the expence to rupees 750,920, though " still great and heavy; yet the ministers declare to me, that there is " no superfluous expence in that sum; that it will require the full " number of people mentioned to collect the revenues properly, and " pay the different contingent expences which must necessarily happen " in so extensive a country.

" Mahomed Reza Khawn, Doolubram, &c. would, with your con- " sent, adopt the following plan: Nabob Itraam al Dowlah to return " to his station: Dirgenarain to remain also; and two overseers on the " part of the Company, and one on that of *the ministers of the govern- " ment*, to remain, not only as checks on their actions, but to enable " them to proceed in the collections with the greater alacrity. Had " not our connections with the brothers of the above-mentioned per-

" sons made it necessary to give them our countenance, and a proper
" influence in the country, I should be entirely for having a new class
" of people of less consequence, more active, and their expences con-
" siderably less, to manage the affairs of that province; and who would
" be more inclinable to obey any orders they might receive from hence
" than they have lately shewed. Whatever arrangements you may think
" proper to make, the sooner it is concluded on the better; *as every*
" *thing is at an entire stop, nor can the ministers procure any satisfactory*
" *answer, so as to inform themselves* of the progress that has been made
" in the rents.

" In the account of jagueers and charity-lands, which I now forward
" to your Lordship, &c. amounting to 2,018,714--10--0 there will
" be (in consequence of our late agreement) that which the Nabob
" had, amounting to 902,960--8--15, *to be brought to the Company's*
" *credit, also the sum of* 290,707--14--0 which has been kept up under
" the head of jagueers, and has been an imposition, as no person can
" claim it, or any part thereof, either by an authority of royal sun-
" nuds, or as a gift of the Nabob's; so that it must be a fraud in those
" who had the management of affairs. The sum allowed for charity
" is bulky; and I make no doubt, if it was in my power to enquire
" into that article, we should find the greatest part misapplied.

" I have been greatly retarded in sending you the inclosed accounts
" by the many impositions the Patna Mutseddees, Congoes, &c. wanted
" to have continued and confirmed; not only in the value of the pro-
" vince and in the account of expences, but in the amount of each
" person's jagueer; many of whom had charged more than their sun-
" nuds intitled them to receive, in expectations that no inquiry would
" be made into their right. In short, an entire reformation wants to
" be made, sooner or later, which if you should not have done now, I
" would recommend its taking place in April next, when the Poonea is
" made, and the value of each Purgunnah is fixed, or as soon as you
" think it will be most consistent with the plan of government you are
" desirous of forming.

" A regular and proper mode once fixed on, and men of activity,
" steadiness, and integrity employed in the management of the collec-
" tions, who will pay a proper attention to the frontier provinces, I
" am confident, that the province of Bahar will then yield very little
" short of *one crore of rupees*. The jagueers and charity-lands stand at
" the old rents, or at what they paid many years ago. They will cer-
" tainly *now produce double the amount*, and in point of right, the sur-
" plus, whatever it may be, exceeding the amount which the sunnuds

 " intitle

"intitle the proprietors to, ought to be brought to the credit of the "Company. Before I have done with this subject it will be necessary "to mention, that Shetabroy, as King's Dewan, has the department of "the Khalsah *; wherein not only revenues, but duties arising to the "government yearly, the amount not inconsiderable, ought to be "added to this account. I have applied not only to Jtraam al Dow-"lah, but to the Patna Mutseddees, all of whom decline giving me "any account of the same, referring me to Shetabroy for them. As "this gentleman is now in Calcutta, you will be best able to adjust "this matter with him.

"The duties arising from the Punchuttrah office at Murshedabâd, "only a few years ago, amounted to rupees 384,000. I find there is "now existing scarcely any thing more than the name. I have ac-"cordingly got Mahomed Rezà Khawn, &c. to appoint a person of "integrity and assiduity to inspect into the Daroga's proceedings, and "keep an exact account of the duties arising to the government, as has "been for many years established. The like regulations I have desired "might take place in the Tankfall †, where abuses appear equally "great.

"I find it will be absolutely necessary some regulations should be "fixed on for the government of the Chokeys all over the country, for "which purpose I have got Mahomed Reza Khawn to write to the "Fowzdars and Zemindars of the different provinces, for an exact ac-"count of all the Chokeys now kept up, that a proper arrangement "may be made, and a few considerable ones established in the most "convenient parts of the country; which will answer the purpose "much more effectually than the superfluous number that do now exist, "which have in some degree only served to subvert the true intent for "which they were ordered, and throwing a number of difficulties in "the way of trade in general.

"Fraud and villainy appears to have been carried to so great a "height in every department, that I am no longer surprized that the "Nabobs of late have been so much distressed in their government. "A total change, by degrees, must be made; and it can only be by "degrees brought about, without great disturbance and murmuring "all over the country. I am exerting my utmost endeavours for that "purpose: but have to struggle with every difficulty that can be "thrown in my way by ministers, Mutseddees, Congoes, &c. and "their dependents. Yet with a proper support from you, I make not

* Crown lands.

† The mint.

"the

"the least doubt, in time, but I shall accomplish your most sanguine "expectations.

"Representations of late have been made to me by the Zemindars "of different villages, that the King is fixing Dawks,* from Illa-"habad to this place and Calcutta; that it will be a very great "burthen to the inhabitants in many parts of the country, if they "are under a necessity of supporting them with the usual necessa-"ries, having already both the Company's and the Nabob's Dawks "to provide for, and request they may be relieved from so heavy "a grievance.

"Inclosed I send you a letter which I have received from Captain "McPherson, representing the hardship he has laboured under since "his being ordered on the Moradbaug establishment, in being de-"prived the receiving of any batta, notwithstanding a detachment "at Cossimbazar has been allowed it. I request your Lordship, &c. "will take his case into consideration: and should it not be inconsistent "with the rules and regulations then established, I desire you will "order him to receive at least *half* batta, agreeably to what was al-"lowed the Cossimbazar detachment, as *an hundred and twenty rupees* "*has been the only sum he has had to live on since his residence there.*

"I am, with great respect,

"My Lord and Gentlemen,

"Your most obedient, humble servant,

(Signed) "FRANCIS SYKES."

"† Mootejil, the 31st Oc-"tober 1765."

* The Dawks, or Postmen, when employed by the King, were supported by the countries through which they passed.

† A garden of the Nabob's, near the city of Murshedabad.

No XL.

N° XL.

COPY of a Letter from *Francis Sykes*, Esquire, Resident *at the Durbar*, to the *Secret Committee* at Calcutta. Dated the 17th Nov. 1765.

" To the Right Honourable Lord Clive, President and Governor, " and the Gentlemen of the Select Committee.

" My LORD and GENTLEMEN,

" Your Lordship's, &c. favours of the 5th and 7th instant I have " received.

" Inclosed I send you an account of the revenues, as concluded " on with the Fowzdars, Zemindars, &c. for the present year 1765, " amounting to 16,029,016--10--2 rupees, charges included; with an " account of what has been already collected, how it has been dis- " bursed to the last of Rubby al sâny, or the 16th October, in order that " you may have a true and exact state of affairs of this province to that " time: and shall from henceforward send you a monthly treasury ac- " count, that you may be acquainted regularly with the state of the " treasury here.

" On my arrival here, I found that the revenues arising from the " different provinces and purgunnahs which compose Bengal had been " rated, though not finally concluded with the different officers of the " government. In examining into this business, and by comparing " the value of the different districts of the country with what they were " rated at in Allaverdy Khawn's time, Serajah al Dowlah's, Meer " Jaffier's, &c. I found many fell greatly short of what they had pro- " duced, taking the medium of several years. I therefore desired that " this important matter might be reconsidered; and after a few days at- " tention to this particular, I have the satisfaction to inclose you a state- " ment, which, I make no doubt, will meet with your approbation. In " this agreement I have aimed at a certain equitable and just valuation " between the proprietor and the tenant, without subjecting ourselves " to any just imputation of severity: and though I do not find that " Bengal alone ever produced to the Nabob the amount as appears by " the neat balance, except in the time of Cossim Ally Khawn, yet I am " confident, with good management, we may reasonably expect an " increase, without the least oppression to the farmers or tenants. Some

"degree of rigour may be neceſſary this year, to rouſe the Zemindars "and collectors from that lethargy which they have been in, and con- "vince them we are determined to put a ſtop to the ſcandalous prac- "tices ſo frequently committed all over India, and that *the welfare of* "*the Nabob and our employers is our object, by receiving the juſt revenues due to the government.*

"I ſhall exert myſelf to the utmoſt of my power, to have the full "amount of ſicca rupees 15,004,887--2--5 regularly and properly col- "lected. Fifty lacks of which I flatter myſelf I ſhall have in the trea- "ſury by the 11th of February, which includes the December pay- "ments; as, by an eſtabliſhed cuſtom, a month's credit is always "given. Should it ſo happen that I am diſappointed in my expecta- "tions, I requeſt your Lordſhip, &c. will not impute it to any neg- "lect, or fault on my part, but to the conſequence of a number of "circumſtances entirely independent of me, which a buſineſs of this "nature is ever liable to. I moſt heartily wiſh ſome method could be "taken to prevent the gentlemen, civil as well as military, from ſend- "ing for the different officers * of the government on every frivolous "pretence, by which the collections are greatly impeded: and owing "to the diſtance ſuch circumſtances happen from me, I find it a moſt "difficult matter to be a proper judge, whether they are acting in "virtue of their ſtation, or in open violence to your orders.

"The expences of mohurrees, pikes, ſervants, burkandazes, roads, "charity, with other contingent articles attending the collections, "amounting to rupees 1,024,129--11--7, are large and enormous, not- "withſtanding I have retrenched them above one half. Yet I cannot "with any propriety attempt to reduce them lower this year, parti- "cularly as the miniſters declare they are not only reaſonable, but in- "diſpenſably neceſſary. However, as I get a greater inſight into the "nature of theſe charges, and the collections in general, I ſhall be "better able to judge what are ſuperfluous, and what not ſo: and "every regulation and plan of œconomy, in order to reduce this ar- "ticle, ſhall always eagerly be embraced and forwarded to your Lord- "ſhip, &c. as expeditiouſly as poſſible.

* This alludes to a practice very common, of Engliſh gentlemen, when travelling up the country, ſending to the Zemindars for proviſions and Bearers for their palanqueens, &c. the amount of which the Zemindar inſerted among the charges of the collection, or elſe levied it upon the ryots, or farmers. In ancient times the Emperor's officers were always ſo complimented when travelling, by the Zemindars, on the road. Since the Engliſh Company became the Sovereigns, their ſervants, civil and military, have been looked on in the ſame light, and being very numerous, the frequency of ſuch applications was become troubleſome and oppreſſive.

"Your

"Your Lordship, &c. will observe in the account of revenues, a number of purgunnahs which have no charges annexed to them. This "is owing to the Zemindar letting them on a lease for three or four "years; and the expences which are allowed under the head of Nan-"car, &c. by agreement, is given up to the Zemindar, and the tenant "is to have, for his profits, whatever he can collect above the sum sti-"pulated to be paid to government. By this means it will always be "difficult to obtain the true value of the lands, and it is an evil which "must be rectified.

"I have supplied the factories of Cossimbazar and Dacca with cash "for the use of their investments, agreeable to your Lordship's, &c. orders; the former with three lack of siccas rupees, and the latter with "one of arcots: and to-morrow morning shall send you down, under "the care of a party of seapoys, six lacks.

"I have had much difficulty in procuring an account of the receipts "and disbursements made this year, and delayed sending you the "account of the revenues, in expectation of forwarding you this at "the same time: but though I have now drawn it out, I find so many "articles necessary to be explained, and so many inaccuracies appear-"ing, that I am still obliged to postpone forwarding it, till it can be "thrown into a form which will meet with your approbation.

"Furrock-Baug, one of the Nabob's garden-houses, being greatly "out of repair, and one of the rooms already fallen in, *the ministers* "*would be glad of your permission* to lay out a small sum of money on that "building, to prevent its becoming an entire ruin.

"I am,

"with the greatest respect,

"My Lord and Gentlemen,

"Your most humble servant,

"Mootejil, the 17th "Nov. 1765." (Signed) "F. SYKES."

No XLI.

COPY of a Letter from the Right Honourable *Robert Lord Clive* to the *Directors* of the *East India Company*. Dated, Berkeley-square, the 27th April 1764.

To the Honourable the Court of Directors for affairs of the United Company of Merchants of England, trading to the East Indies.

" GENTLEMEN,

" In obedience to your commands, I now transmit the purport of " what I had the honour to represent to you by word of mouth at the " last Court of Directors, with some other particulars which slipped " my memory at that time.

" Having taken into consideration your letter sent me by the secre- " tary, as also the request of the General Court of Proprietors, I think " myself bound in honour to accept of the charge of your affairs in " Bengal, provided you will co-operate with and assist me in such man- " ner, that I may be able to answer the expectations and intentions of " the General Court.

" As an individual, I can have no temptation to undertake this ar- " duous task; and nothing but the desire I have to be useful to my " country, and to manifest my gratitude to this Company, could make " me embark in this service, attended as it is with so many inconve- " niencies to myself and to my family. I cannot avoid acknowledg- " ing, that I quit my native country with some degree of regret and " diffidence, on leaving behind me (as I certainly do) a very divided " and distracted direction, at a time when unanimity is more than ever " requisite for the carrying into execution such plans as are absolutely " necessary to the well-being of the Company.

" I shall now enter into a short discussion of your political, com- " mercial, and military affairs in Bengal, without searching into the " causes of the unhappy revolution in favour of Cossim Ally Khawn. " I shall only remark, that if the same plan of politics had been pur- " sued after he was placed on the throne, as that which I had observed " towards his predecessor, he might with great ease have remained " there to this day, without having it in his power to injure either him- " self or the Company in the manner he has lately done.

" Indeed

"Indeed Mr. Vansittart's ideas in politics have differed so widely "from mine, that either the one or the other must have been totally in "the wrong. Soon after Cossim Ally Khawn was raised to his new "dignity, he was suffered to retire to a very great distance from his "capital, that our influence might be felt and dreaded as little as pos- "sible by him. He was suffered to dismiss all those old officers who "had any connection with, or dependence upon us; and what was "the worst of all, our faithful friend and ally, Ramnarain, the Nabob "of Patna, was given up: the doctrine of the Subah's independency "was adopted, and every method was put in practice to confirm him "in it. We need not seek for other causes of the war, for it is now "some time that things have been carried to such lengths abroad, that "either the princes of the country must in a great measure be depend- "ent on us, or we totally so on them.

"That the public and continued disapprobation of Cossim Ally's ad- "vancement to the government, expressed by the gentlemen of Cal- "cutta, increased the Nabob's jealousies, is most true; and that it was "the duty of every one, after the revolution was once effected, to "concur heartily in every measure to support it, cannot be denied. "*It is likewise true, that the encroachments made upon the Nabob's* "*prescriptive rights by the Governor and Council, and the rest of the* "*servants trading in the articles of salt, beetle, and tobacco,* together "with the power given by Mr. Vansittart to subject our gomastahs, or "agents, to the jurisdiction and inspection of the country government, "all *concurred to hasten and bring on the late troubles;* but still the "ground-work of the whole was the Nabob's independency. It is im- "possible to rely upon the moderation and justice of mussulmen. Strict "and impartial justice should ever be observed, but let that justice "come from ourselves. *The trading therefore in salt, beetle, and to-* "*bacco, having been one cause of the present disputes, I hope these articles* "*will be restored to the Nabob, and your servants absolutely forbid to trade* "*in them. This will be striking at the root of the evil.*

"The prohibition of dustucks to your junior servants will, I hope, "tend to restore that œconomy which is so necessary in your service: "indeed if some method be not thought of, and your Council do not "heartily co-operate with your Governor *to prevent the sudden acqui-* "*sition of fortunes,* which have taken place of late, the Company's af- "fairs must greatly suffer. What power it may be proper to invest me "with, *to remedy* those great and growing evils, will merit your serious "consideration. *As a means to alleviate,* in some measure, the dis- "satisfaction that such restrictions upon the commercial advantages of

" your servants may occasion in them, *it is my full intention not to engage in any kind of trade myself*; so that they will divide amongst them " what used to be the governor's portion of commercial advantages, " which was always very considerable.

" As my experience in military matters hath arisen from many years " practice, I hope what I have to lay before you on this subject, will have " that attention paid to it which I ardently wish it may, for the good of the " Company. I would propose that you should always have in Bengal, " four, or at least three thousand Europeans, to consist of three bat- " talions of seven hundred each; four companies of artillery, of one " hundred each, and five hundred light-horse. Your forces have done " great things, and gained great honour, but much is still wanting to " bring them to that due obedience and subordination which is con- " sistent with the true interest of the service. Whilst so many of his " Majesty's forces were abroad, and so few of your own, two or three " field officers in your service might answer the purpose. But now " that his Majesty's troops are recalled, you should immediately endea- " vour to supply the deficiency. I would therefore recommend the " appointing three field officers to every battalion, a Colonel, Lieu- " tenant-colonel, and Major: and the officers I would chuse to com- " mand the battalions, should be Major Carnac, Captain Richard Smith, " and Major Preston. You have already done justice to Major Carnac's " character, by reinstating him in the command of your forces in Ben- " gal, and by acknowledging his services in the most public manner. " This gentleman will, I flatter myself, stand as high in your esteem as " Brigadier General Callaud, and will, I hope, have the same rank " and appointments. The military merits of the other two gentlemen " you are likewise well acquainted with, having both received from " the Court marks of approbation for their distinguished services. To " command your artillery, I would recommend Sir Robert Barker; " whose abilities in that department have been exceeded by no officer " that ever was in your sevice. Your seapoys are already commanded " by Major Knox; whose merits I could wish to have rewarded with a " Lietenant-colonel's commission. Your horse, when raised, should " be commanded by a Lieutenant-colonel, or Major. I have very strong " reasons to wish this idea of regimenting your troops may take place; " for without such a subordination I shall not be able to enforce your " orders for the reduction of your military expences; which have been " a constant dead weight, and have swallowed up your revenues.

" I could wish, that whatever emoluments are unavoidable may fall " to those few, who by having been long, are high in your service,

" whether

" whether civil or military. Thus will the expence be ſcarce felt by the " Company, in compariſon to what it is at preſent, when for want of due ſubordination every one thinks himſelf entitled to every advantage! and the juniors in your ſervice will be excited to exert themſelves, from a certain knowlege that application and abilities only " can reſtore them to their native country, with fortunes honourably " acquired.

" Before I leave the ſubject of military affairs, I ſhall take the liberty " to recommend to your conſideration my ideas concerning the preſent method of levying your troops in England. It is certain, at " preſent, this branch is very irregularly conducted, little regard is " had to the choice of the men; they arrive in India undiſciplined, and " in caſe of ſudden emergencies, which may require a number to be immediately diſpatched to India, there are none ready to ſend; for although this has fortunately not been the caſe ſince the concluſion of " the peace, the facility of getting men has ariſen from the numbers " lately diſmiſſed from his Majeſty's ſervice, but the ſame difficulties as " ever will very ſhortly commence again, as ſoon as theſe diſbanded " troops have betaken themſelves to other employments. I would " therefore ſuggeſt, that the Company ſhould apply to his Majeſty for " permiſſion to maintain two battalions of 500 men each in England: " of which the whole, or any part, with the proper officers, may be " ready to be ſhipped at a moment's warning. Juſtice to the character " of two officers who have rendered the Company moſt important ſervices, alone induces me to recommend that you ſhould pay the compliment of the command of the battalions to Colonel Coote and Colonel Ford. Although there may appear at firſt ſight ſome difficulties " in the executive plan; yet, as I do not doubt of the concurrence of " the adminiſtration to any propoſals eſſentially neceſſary to the Company's intereſt, I imagine they will give their aſſiſtance to ſo ſalutary " a meaſure.

" The heart-burnings and diſputes which ſeem to have ſpread and " over-run your ſettlement of Calcutta, aroſe, I much fear, originally " *from your appointment of Mr. Vanſittart to the government of Bengal* " *from another ſettlement*, although his promotion was the effect of " my recommendation. The appointment therefore of Mr. Spencer " from Bombay *can only tend to inflame theſe diſſenſions*, and to deſtroy all " thoſe advantages which the Company can only expect to reap from " *harmony and unanimity* amongſt their ſervants abroad. The reſignations of Meſſ. Verelſt, Cartier, and many others of the ſenior ſervants,

" which

" which must be the consequence of Mr. Spencer's appointment, will
" deprive me of those very gentlemen on whose assistance I depend for
" re-establishing your affairs in Bengal. Mr. Sumner has already come
" under your consideration, as a fit person to succeed Mr. Vansittart:
" and on my being proposed to take upon me the government, has de-
" sired to accompany me as second in council. In justice to Mr. Sum-
" ner's merit, I must say, that I think him a very capable servant of the
" Company's, and one who I am persuaded will co-operate with me,
" to the utmost of his abilities, for the good of the service. Nor would
" I wish him to go abroad with me, were I not convinced I should be
" able to place him in that degree of confidence and good-will with
" Jaffier Ally Khawn as will certainly be necessary in a person destined
" to be my successor.

" I hope, before I conclude, you will be persuaded *that I can have*
" *no interested views in going abroad.* I do not mean to reflect on those
" who thought proper to reward and distinguish Mr. Vansittart so re-
" markably, by adding to the usual allowances of the Governor two
" and an half per cent. upon the Company's territorial possessions, which
" made the whole of his appointments more than 20,000l. a year. I
" shall only say, *I think such appointments too great a burthen on the*
" *Company's estate;* and leave it to you, gentlemen, to make me what-
" ever allowance you may think consistent with my station.

" I need not repeat the nature of my pretensions to the jagueer: the
" late revolutions in favour of Meer Jaffier, and *the instructions I have*
" *sent to my attornies,* in consequence of your stopping it, will, I make
" not the least doubt, be the means of having it confirmed to me in the
" strongest manner that the customs of India will admit, and the laws
" of England require. But as there would be a very great impropriety
" in my going abroad in the Company's service, with a law-suit of this
" consequence depending between us, allow me to suggest to you the
" expediency of referring the matter to a General Court of Proprietors,
" with the proposal I now make.

" That I shall enjoy my jagueer for ten years, provided the Com-
" pany shall remain so long in possession of those lands of which the
" jagueer is the quit-rent: and, provided I should live so long, at the
" end of ten years, or at my death, if that should happen first, my
" right and title to the jagueer shall cease; and, on my arrival in In-
" dia, I shall use my utmost endeavours with the Nabob to secure the
" reversion of it to the Company, should my death happen early in
" this service. I submit to the consideration of the Directors and Pro-

2 " prietors

"prietors (but do not insist upon it) whether it cannot be continued "to my heirs for five years.

"I have the honour to be,

"GENTLEMEN,

"Your most obedient, humble servant,

"Berkeley-square,
"27th April 1764."

(Signed) "CLIVE."

Nº XLII.

COPY of the Contract entered into by *Harry Verelst*, Esquire, Supervisor of *Burdwan*, and the Junior Servants of that Factory, with the *Committee* of *Trade* at *Calcutta*; whereby they engage to deliver to the Committee all the salt produced in that province.

"THIS INDENTURE, made the day of in the fifth year of the reign of, &c. and in the year of our Lord one thousand seven hundred and sixty-five, between *William Brightwell Sumner, Harry Verelst, Ralph Leycester, and George Gray* of Calcutta in the kingdom of Bengal, in the East Indies, Esquires, being a Committee duly authorized, constituted, and appointed by the Proprietors intitled to the exclusive joint trade of salt in the said kingdom of Bengal, for the managing and carrying on the said exclusive joint trade, *of the one part*; and the said *Harry Verelst and James Lawrell, Henry Goodwin and James Ashburner* of Calcutta aforesaid, gentlemen, *on the other part*. WHEREAS in and by a certain deed, or instrument in writing, bearing date the 18th Day of September 1765, and made, or mentioned to be made, between the said proprietors to the said exclusive trade on the one part, and the said William Brightwell Sumner, Harry Verelst, Ralph Leycester, and George Gray on the other part, they, the said proprietors, did give and grant unto them the said William Brightwell Sumner, Harry Verelst, Ralph Leycester and George Gray, and their successors, full power and lawful authority to bind themselves jointly with them, the said proprietors, and their successors, their heirs, executors, and administrators, for the doing, making, executing, and performing of any contract, or agreement in writing, respecting the conducting and managing the said exclusive joint trade and merchandize. AND WHEREAS they

they the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner, upon their application and request, have obtained liberty and licence from the said Committee to work the callaries (or salt-pans) in the province of Burdwan, in the kingdom of Bengal aforesaid, and to make salt there for their own benefits and concerns, but subject to such duties and taxes as the President and Council of Fort-William, or the Committee of Lands by them appointed, shall from time to time think fit to impose. NOW THIS INDENTURE WITNESSETH, that for and in consideration of the covenants and agreements herein after reserved and contained, and which by the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner, their executors and administrators, on their parts and behalves, are, or ought to be done, performed, fulfilled, and kept, they the said William Brightwell Sumner, Harry Verelst, Ralph Leycester, and George Gray, constituting a committee as aforesaid, in virtue of all and every the powers and authorities to them delegated, and enabling them on that behalf, and divers other good causes and valuable considerations thereunto moving, they the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner, do hereby, for themselves, their heirs, executors, and administrators, covenant, promise, and agree to and with the said Committee, that they the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner, shall use their utmost endeavours, care, diligence, and expedition in managing, conducting, and carrying on the said trade, or business of making salt in the province aforesaid: and that they the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner, their heirs, executors, and administrators, shall deliver, or cause to be delivered, all the salt by them the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner, made, or that shall hereafter, to the 31st of August 1766, be made in the province of Burdwan aforesaid, to be delivered into the golahs at Sassuttea and Sampore, villages in the purgunnah of Mundleghatt, to the said Committee, and their successors, or their agent or agents duly authorized and appointed by them to receive the same, from time to time during the course of the season, whose receipt shall be a sufficient indemnification to the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner, their executors and administrators, for so much salt as shall be so delivered as aforesaid: or if afterwards the said committee shall so think proper, the same shall be by them the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner, or their heirs, executors, or administrators, transported to the markets of Omtah and Guttaul, there to be delivered to such person or persons as shall be appointed to

receive

receive the same; they, the said Committee, allowing and paying unto the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner, and their executors or administrators, the reasonable charges which shall attend the transporting the same, according to a just estimate to be made thereof, together with an equitable allowance for risk: and that all the said salt shall be delivered into the said golahs, at Sassuttea and Sampore, or be transported to the said markets of Omtah and Guttaul, as aforesaid, on or before the 31st day of August 1766. And that they the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner, their executors or administrators, shall and will well and truly bear, pay, and sustain all and all manner of duties and taxes that have been and now are accustomed to be paid for or on account of the United East India Company, and all charges, damages, expences, demands, and impositions whatsoever that shall hereafter happen, arise, or accrue for, or by means or reason of the making, delivering, and transporting the said salt in manner and form aforesaid (save and except such reasonable charges as shall arise or accrue by reason of transporting the said salt to the markets aforesaid, which the said Committee are to bear, pay, and sustain) or on them the said William Brightwell Sumner, Harry Verelst, Ralph Leycester, and George Gray, or any other person or persons in respect thereof; and also save and except such fresh taxes and duties which shall hereafter be taxed, or laid upon the said callaries, more than what are now accustomed to be paid to, for, or on account of the said United East India Company aforesaid, which the said Committee are from time to time to pay and discharge unto them the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner, their executors and administrators. And that they the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner, their executors and administrators, shall not nor will, at any time during the said term, sell, send, or dispose of any quantity of salt whatsoever to be made at the callaries aforesaid, to any person or persons whatsoever; but shall and will deliver all such salt produced or to be produced from the callaries in the said province of Burdwan, or transport the same, if required as aforesaid, as clear, pure, and in as good order and condition as collected from the salt pans, at the established weight, for the whole, or rate of *eighty-two sicca weight per seer*, and forty such seers per maund, with the customary and usual allowances on weighing of salt at the said callaries, to such person or persons, and at such places as are herein before-mentioned. And the said William Brightwell Sumner, Harry Verelst, Ralph Leycester, and George Gray, constituting, &c. do hereby for themselves, and for them the said

proprietors intitled to the said exclusive joint trade, and their successors, jointly covenant, promise, and agree to and with the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner, their heirs, executors, and administrators, that they the said William Brightwell Sumner, Harry Verelst, Ralph Leycester, and George Gray, and the said proprietors and their successors, shall pay or cause to be paid unto them the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner, their heirs, executors, or administrators, for every one hundred maunds of salt, so to be delivered into the golahs at Sassuttea and Sampore, or to be transported in manner and form aforesaid, the sum of *seventy-five sicca rupees*, of good and lawful money, to be accounted and calculated at and after the rate of sixteen per cent. batta, in such manner and form, at such times, and in such proportions as herein after-mentioned; that is to say, the sum of six sixteenth parts of the money to be advanced unto them the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner, for the quantity of salt to be delivered according to the true intent and meaning hereof, the same to be payable and paid in and before the expiration of the month of September now next ensuing the date hereof: and the further sum of six sixteenth parts thereof to be payable, and paid in and before the month of November following, and the remaining further sum of four sixteenth parts thereof, they the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner, do hereby agree to take and accept of a bond from the said Committee for the same, bearing date the 31st day of January 1766, and to be payable, and paid at the end or expiration of six calendar months from the date thereof, with interest at and after the rate of ten per cent. per annum; PROVIDED nevertheless, and it is hereby further agreed, by and between all the said parties to these presents, and the true intent and meaning of them and of these presents are, that in case the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner, their heirs, executors, or administrators, should not deliver, or cause to be delivered into the said golahs at Sassuttea and Sampore, or transport, or cause to be transported to the said markets of Omtah and Guttaul, in manner and form aforesaid, a quantity of salt equal in value to the several sums or stated payments so to be advanced them as aforesaid, that then and in that case, the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner, do hereby for themselves, their heirs, executors, and administrators, covenant, promise, and agree to and with the said Committee and their successors, that they the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner, their

heirs,

heirs, executors, and administrators, shall and will repay, or cause to be repaid unto them the said William Brightwell Sumner, Harry Verelst, Ralph Leycester, and George Gray, or their successors, all such overplus sum or sums of money as shall appear to remain due upon balance of the said advances, or stated payments so to be made as aforesaid, together with interest for the same, at and after the rate of ten per cent. per annum, from the time the said money shall be so advanced them as aforesaid. And that they the said Committee and their successors, and the said proprietors and their successors, shall and will, during the term aforesaid, protect them the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner, their heirs, executors, and administrators in the premisses, and properly and justly procure fit redress for all such grievances and complaints by them or any of them to be made to the said William Brightwell Sumner, Harry Verelst, Ralph Leycester, and George Gray, constituting a committee as aforesaid, through the channel of their secretary for the time being, as the nature of the case shall or may require. And in case of any fresh duty, or tax, to be by the authority of the President and Council of Fort-William aforesaid, taxed, charged, or imposed upon the said herein before-mentioned callaries, during the said term, and which are not now charged upon the same, they the said William Brightwell Sumner, Harry Verelst, Ralph Leycester, and George Gray, and the said proprietors and their successors, their executors and administrators, shall bear, pay, and sustain such fresh duty and tax out of their own joint stock; and the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner do hereby for themselves, their heirs, executors, and administrators, covenant, promise, and agree to and with the said Committee and their successors, that they the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner, shall and will keep, or cause to be kept, true and faithful accounts of all debts and monies which shall from time to time grow due, or become owing to them from the Molunguees employed in making of salt in the said callaries; and for the more full and clear evidencing and discovering thereof, shall and will deliver unto the said Committee, at the end of the said term of one year, true copies of all such accounts as aforesaid, and that in consideration of the money to be advanced by the said Committee to the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner, their executors or administrators, they the said Harry Verelst, James Lawrell, Heny Goodwin, and James Ashburner, shall run the sole risk of all losses, bad debts, and balances that shall become due, and owing unto them, on account thereof; and in order to preserve a proper authority to the said

Committee over the Molungees employed in making of salt in the province aforesaid, they the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner, shall and do hereby relinquish and release all their claim, demands, right, title, interest, and property to all such bad debts and balances as shall become due to them from the said Molungees at any time or times, from the day of the date hereof until the end or expiration of the said term, which will be on the 31st day of August 1766. And that in case any tax or duty shall hereafter, by the President and Council aforesaid, be taken off, lessened, or abolished, or otherwise the said callaries being exempted from the burthen thereof, that the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner, their executors and administrators, shall and will, from time to time, make such proportionable allowance, or credit the said Committee and their successors, in account, for so much money as shall be so abated on account of any such taxes and duties as aforesaid. And that in case of any dispute, variance, strife, doubt, or question arising between them, the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner, their executors or administrators, and any other person or persons, relative to the conducting, or carrying on, or in any-wise concerning their said business and concern, during the said term, at or after the end or expiration thereof, or touching any covenant, grant, clause, word, matter, or thing herein contained, or the intent and meaning thereof, they the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner, for themselves, their executors, and administrators, do covenant and agree to and with the said Committee and their successors for the time being, that they the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner, their executors and administrators, in such case shall from time to time, during the said term, apply themselves to, and lodge such their complaint with the secretary of the said Committee for the time being, in order to lay the same before the said Committee, or before the collector of the revenues of the Honourable the United East India Company aforesaid, as the case shall or may require, within one month next after any such doubt, question, or controversy shall arise; that the said Committee or such collector for the time being shall procure the same to be discussed and determined within one month from the day such complaint shall be so lodged as aforesaid; and whatsoever end, order, or determination the said Committee, or such collector as aforesaid, shall within the time in that behalf aforesaid make, or procure to be made, between the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner, their executors or administrators, and such other

party

party of, for, and about the premises, or any part thereof, they the ſaid Harry Verelſt, James Lawrell, Henry Goodwin, and James Aſhburner, do hereby for themſelves, their executors and adminiſtrators, covenant, promiſe, and agree to and with the ſaid Committee and their ſucceſſors, and ſuch other party, to ſtand to, abide by, perform, and keep the ſame, without any further ſuit or trouble whatſoever. And it is alſo hereby further covenanted and agreed by and between all the ſaid parties to theſe preſents, that in caſe any diſpute, doubt, ſtriſe, or variance ſhould hereafter happen or ariſe between them, the ſaid Harry Verelſt, James Lawrell, Henry Goodwin, and James Aſhburner, their executors and adminiſtrators, and the ſaid Committee or their ſucceſſors, or the ſaid proprietors and their ſucceſſors, or any of them, of, for, or concerning theſe preſents, or any covenant, grant, clauſe, matter, or thing herein contained, or the execution thereof, or any otherwiſe concerning the ſaid trade or buſineſs of making ſalt as aforeſaid, that then and in that caſe, the ſaid Committee and their ſucceſſors, or the ſaid proprietors or their ſucceſſors, and they the ſaid Harry Verelſt, James Lawrell, Henry Goodwin, and James Aſhburner, their executors or adminiſtrators, ſhall, within two months after any ſuch diſpute, doubt, ſtriſe, or controverſy ſhall ſo ariſe as aforeſaid, appoint two indifferent perſons as arbitrators, who are to decide and adjuſt the ſame within the ſpace of one month next after their appointment as aforeſaid; and in caſe the ſaid two arbitrators cannot ſettle and determine ſuch diſpute, then they the ſaid arbitrators ſhall appoint one other indifferent perſon as umpire, who ſhall ſettle, decide, determine, and adjuſt the ſame within the ſpace of one month from his ſaid appointment as aforeſaid. And whatſoever order, ſentence, or decree the ſaid two arbitrators, or the ſaid umpire ſo to be appointed as aforeſaid, ſhall within the limited time aforeſaid make in or about the premiſes, or any part thereof, all they the ſaid parties to theſe preſents do hereby, for themſelves and their ſucceſſors, their heirs, executors, and adminiſtrators, and each and every of them, covenant, promiſe, and agree to ſtand to, abide by, perform, fulfill, and keep the ſame accordingly, without any other or further ſuit or trouble whatſoever. AND, LASTLY, they the ſaid Harry Verelſt, James Lawrell, Henry Goodwin, and James Aſhburner, do hereby bind and oblige themſelves, their heirs, executors, and adminiſtrators jointly to the ſaid Committee and their ſucceſſors for the time being, in the *penal ſum of eighty thouſand rupees*, for the true and faithful performing, fulfilling, obſerving, and keeping all and every the covenants, grants, articles, and agreements herein before contained, and

which

which by them are or ought to be performed, fulfilled, observed, and kept as aforesaid."

In Witness, &c."

Nº XLIII.

Copy of a Deed of Assignment, or Sale, whereby the Right Honourable *Robert Lord Clive* sells to sundry Gentlemen of the Council at Calcutta, his Five Shares in the public Monopoly of Salt, &c. and also his Share in a private Society, in Partnership with *William Brightwell Sumner, Harry Verelst,* and *Francis Sykes*, Esquires, for Thirty-two thousand Pounds Sterling.

" Know all men by these presents, That whereas I Robert Lord Clive, Baron Clive of Plassey, in the kingdom of Ireland, Knight Companion of the Most Noble Order of the Bath, and President and Governor of Fort-William in Bengal, in the East Indies, am truly and justly interested in and entitled unto five shares, or proportions, in the joint stock in the trade of salt, beetle-nut, and tobacco, produced or to be produced within the provinces of Bengal, Bahar, and Orissa, in the East Indies aforesaid, and to all such profits, proceeds, and advantages as shall arise or accrue from the same; and also justly entitled to one quarter-part, or share, of an adventure of salt in company with William Brightwell Sumner, Harry Verelst, and Francis Sykes, of Calcutta aforesaid, Esquires, amounting, as per contract purchases, to 497,001 maunds of Calcutta, little more or less, now under the management and direction of the said Harry Verelst; and likewise to one third part, or share, of an adventure of 40,000 maunds of salt, in company with General John Carnac and the said Harry Verelst, bought of Messrs. James Ashburner and William Majendie, to be delivered at   Now these presents witness, that I the said Robert Lord Clive, for and in consideration of the sum of *thirty-two thousand pounds of lawful money of Great Britain, to me in hand paid* by the several persons, and in the several sums, shares, or proportions hereafter mentioned, that is to say, by the said Harry Verelst, Francis Sykes, and Alexander Campbell, of Calcutta aforesaid, Esquires, the sum of 8000 l. each, and by Claud Russell and Thomas Kelsall, of the same place, Esquires, the sum of 4000 l. each, the receipt of which said several sums I do hereby acknowledge,

knowledge, have aſſigned, transferred, and made over, and by theſe preſents do aſſign, transfer, and make over unto the ſaid Harry Verelſt, Francis Sykes, Alexander Campbell, Claud Ruſſell, and Thomas Kelſall, their executors, adminiſtrators, and aſſigns, all and every the profits, proceeds, or advantages ariſing, or which ſhall or may ariſe or accrue on my aforeſaid five ſhares or parts of the ſaid joint ſtock in trade of ſalt, beetle-nut and tobacco, produced or to be produced in the provinces aforeſaid, for the term of two years, commencing from the day of laſt paſt. And alſo all the profits, proceeds, and advantages ariſing, or which ſhall or may ariſe or accrue on that ſaid one quarter-part or ſhare in the ſaid adventure of 497,001 Calcutta maunds of ſalt, in company with the ſaid William Brightwell Sumner, Harry Verelſt, and Francis Sykes; and likewiſe all the profits, proceeds, and advantages ariſing, or to ariſe on my ſaid one third-part or ſhare in the ſaid adventure of 40,000 maunds of ſalt, in company with the ſaid John Carnac and Harry Verelſt as aforeſaid, and all and every part thereof; and alſo all the benefits, proceeds, and advantages ariſing therefrom, and which now are, or at any time or times hereafter ſhall become due or payable for the ſame, and all my eſtate, right, title, intereſt, claim, and demand whatſoever, of, in, or to the ſame, or any part thereof, TO HAVE AND TO HOLD the ſaid profits, proceeds, and advantages ariſing, or which ſhall or may ariſe on my ſaid five ſhares or proportions of the ſaid joint ſtock in trade of ſalt, beetle-nut and tobacco, produced or to be produced in the ſaid provinces, during the term of two years as aforeſaid, unto the ſaid Harry Verelſt, Francis Sykes, Alexander Campbell, Claud Ruſſell, and Thomas Kelſall, their executors, adminiſtrators, and aſſigns, to their own proper uſe and behoof for ever. AND ALSO to have and to hold all and every the profits, proceeds, or advantages ariſing on my ſaid one quarter-part, or ſhare, in the adventure of 497,001 maunds of ſalt, in company with William Brightwell Sumner, Harry Verelſt, and Francis Sykes, as aforeſaid; and likewiſe all and every the profits, proceeds, and advantages ariſing on my ſaid one third part, or ſhare, in an adventure of 40,000 maunds of ſalt, in company with the ſaid John Carnac and Harry Verelſt, bought of James Aſhburner and William Majendie, as aforeſaid; and all and every part and parcel thereof, unto the ſaid Harry Verelſt, Francis Sykes, Alexander Campbell, Claud Ruſſell, and Thomas Kelſall, their executors, adminiſtrators, and aſſigns, to their own proper uſe and behoof for ever. And I the ſaid Robert Lord Clive, for my executors and adminiſtrators, do hereby covenant, grant, and agree to and with the ſaid Harry Verelſt, Francis Sykes, Alexander Campbell,

Claud Russell, and Thomas Kelsall, their executors, administrators, and assigns, that they the said Harry Verelst, Francis Sykes, Archibald Campbell, Claud Russell, and Thomas Kelsall, their executors, administrators, and assigns, shall and may, from time to time, and at all times hereafter, lawfully, peaceably, and quietly have, hold, receive, take, and enjoy, to their own proper use and behoof, all the said profits, proceeds, and advantages arising on my said five shares in the joint stock in trade of salt, beetle-nut and tobacco, produced or to be produced in the said provinces of Bengal, Bahar and Orissa, for the term of two years as aforesaid. And also all the said profits, proceeds, and advantages arising on my said one quarter-part, or share, in the said adventure of 497,001 maunds of salt, in company with William Brightwell Sumner, Harry Verelst, and Francis Sykes, as aforesaid. And likewise the profits, proceeds, and advantages arising on my said one third-part, or share, in the said adventure of 40,000 maunds of salt, in company with General John Carnac and Harry Verelst, Esquires, as aforesaid, and of all and every part and parcel thereof, without any lawful let, suit, trouble, molestation, or interruption of or by me the said Robert Lord Clive, my executors or administrators, or any other person or persons whatsoever, lawfully claiming or to claim, by, from, or under me, them, or any of them, or by any or either of our acts, means, or procurements. AND the said Robert Lord Clive DOTH hereby, for himself, his executors and administrators, covenant, promise, and agree to and with the said Harry Verelst, &c. their executors, administrators, and assigns, that in case any order or direction should be issued by the Honourable Directors of the East India Company in England, by which the said joint trade of salt, beetle-nut and tobacco shall be stopped, or any hindrance or interruption made to the carrying on of the same, then and in that case, the said Robert Lord Clive is to allow and pay to the said Harry Verelst, &c. their attornies, executors, administrators, or assigns, such reasonable allowance or profits on the above-assigned parts, shares, and proportions, as shall be settled by them the said Robert Lord Clive and Harry Verelst, &c. or by arbitrators to be by them appointed for that purpose. AND the said Harry Verelst, &c. for themselves, their executors, administrators, and assigns, do hereby covenant, promise, and agree to be answerable and accountable to the said Robert Lord Clive, his executors or administrators, for all such advances, principal sum or sums of money, that he hath made, or shall hereafter make, on account of his said five shares in the said joint stock in trade of salt, beetle-nut, and tobacco aforesaid, or of, for, or on account of his said one quarter-part, or

 share,

share, in the said adventure of 497,001 maunds of salt, in company with William Brightwell Sumner, Harry Verelst, and Francis Sykes, or on account of [illegible] the third-part, or share, in the adventure of 40,000 maunds of salt, in company with General John Carnac and Harry Verelst, Esquire, as aforesaid, the profits of the said several parts, or shares, [illegible]y hereby intended to be assigned and made over."

In witness, &c."

N° XLIV.

COPY of an *Indenture*, or Deed of *Indemnity*; whereby the Right Honourable *Robert Lord Clive* and the Gentlemen of the *Committees* and *Council* at *Calcutta* engage NOT to obey the Orders of the *Court* of *East India Directors*, respecting the SALT MONOPOLY: and to *stand by*, and *indemnify* each other for such DISOBEDIENCE.

" THIS INDENTURE, made the day of October, in the fifth year of the reign of, &c. and in the year of our Lord 1765, between the Right Honourable *Robert Lord Clive*, Baron of Plassey in the kingdom of Ireland, Knight Companion of the Most Noble Order of the Bath, and President and Governor of Fort William at Bengal, in the East Indies, *William Brightwell Sumner*, *Brigadier General John Carnac*, *Charles Stafford Playdell*, *Harry Verelst*, *Francis Sykes*, *John Cartier*, *Randolph Marriott*, *Hugh Watts*, *Ascanius William Senior*, *Samuel Middleton*, *Ralph Leycester*, and *George Gray*, being the Council of Fort William aforesaid, Esquires, for and on behalf of the Court of Directors of the Honourable the United East India Company of Merchants of England trading to the East Indies, *on the one part*, and the said *William Brightwell Sumner*, *Harry Verelst*, *Ralph Leycester*, and *George Gray*, being a committee nominated, constituted, and appointed by the proprietors entitled to the exclusive joint trade of salt, beetle-nut and tobacco, produced and to be produced in the provinces of Bengal, Bahar and Orissa, for the better conducting, managing and carrying on the said trade, *on the other part*. WHEREAS in and by a certain deed or instrument in writing, bearing date the *18th day of September* 1765,

 and

and made or mentioned to be made BETWEEN the ſaid *proprietors* to the ſaid joint trade *on the one part*, and the above-named *William Brightwell Sumner, Harry Vereſt, Ralph Leyceſter and George Gray on the other part*; IT IS WITNESSED, amongſt other things, that in order for the better carrying on and managing the ſaid joint trade in a *beneficial manner*, and *moſt* for the benefit and advantage of the ſaid *proprietors*, it was and is agreed by and between the parties in the ſaid deed mentioned, that the ſaid excluſive joint trade and merchandize ſhould, from and after the 18*th day of September* 1765, be conducted, managed, tranſacted and carried on by them the ſaid William Brightwell Sumner, Harry Vereſt, Ralph Leyceſter and George Gray, conſtituting a committee for the management thereof, but with the proper monies, and and at the joint riſk and hazard, and for the joint account, uſe, and benefit of all the ſaid proprietors, their ſeveral and reſpective executors and adminiſtrators, in the ſeveral proportions therein ſet forth. And it was and is alſo further agreed, by and between the ſaid parties, that the form and ſignature under which the ſaid excluſive joint trade and merchandize ſhould be conducted and carried on, ſhould be the ſign manual of them the ſaid William Brightwell Sumner, Harry Vereſt, Ralph Leyceſter and George Gray, and their ſucceſſors for the time being, conſtituting a committee as aforeſaid, together with the ſeal of the ſociety of trade, with full power and authority to the ſaid William Brightwell Sumner, Harry Vereſt, Ralph Leyceſter and George Gray, and their ſucceſſors, to uſe the ſame, from the ſaid 18th day of September 1765, until the ſaid excluſive joint trade and merchandize ſhould ceaſe and be no longer carried on for the uſe of the ſaid proprietors, as in and by the ſaid deed, reference being thereunto had, will more fully and at large appear. NOW THIS INDENTURE WITNESSETH, That in conſideration of the ſaid William Brightwell Sumner, Harry Vereſt, Ralph Leyceſter and George Gray taking upon themſelves the ſole management and conduction of the ſaid joint trade, on behalf of the ſaid proprietors, and having laid out and expended large ſums of money to carry on the ſame, and in order to enforce the execution of all and every the covenants, clauſes, grants, articles and agreements in the before recited deed mentioned and contained, as the ſame are therein reſpectively expreſſed; and alſo in conſideration of the duties or cuſtoms that ſhall or may ariſe or accrue by reaſon of the carrying on the ſaid excluſive joint trade of ſalt, beetle-nut and tobacco, according to the true intent and meaning of the ſaid herein before recited deed, to be paid to them the ſaid Robert Lord Clive, William Brightwell Sumner, John Carnac, Charles

Charles Stafford Playdell, Harry Verelst, Francis Sykes, John Cartier, Randolph Marriott, Hugh Watts, Ascanius William Senior, Samuel Middleton, Ralph Leycester and George Gray, as President and Council of Fort William aforesaid, for and on account of the said Honourable the United East India Company, by them the said William Brightwell Sumner, Harry Verelst, Ralph Leycester and George Gray, and their successors, constituting a committee as aforesaid, for and on account of the proprietors entitled to the said exclusive joint trade and merchandize in the proportions hereafter mentioned; that is to say, 35 per cent. on salt, each 100 maunds to be valued and reckoned at 90 rupees; the sum of 10 per cent. upon beetle-nut, to be valued and reckoned at prime cost; and the sum of 25 per cent. on tobacco, to be valued and reckoned at the prime cost; and also, *that the said joint trade and merchandize may not cease or be dissolved before the expiration of the term in the said recited deed mentioned, or any hindrance or stoppage be put to the same*, the said Robert Lord Clive, as President, and the said William Brightwell Sumner, John Carnac, Charles Stafford Playdell, Harry Verelst, Francis Sykes, John Cartier, Randolph Marriott, Hugh Watts, Ascanius William Senior, Samuel Middleton, Ralph Leycester and George Gray, as Council of Fort William aforesaid, for or on behalf of the said Court of Directors of the Honourable the United East India Company aforesaid, do hereby, for themselves and their successors, their executors and administrators, covenant, promise and agree, to and with the said William Brightwell Sumner, Harry Verelst, Ralph Leycester and George Gray, and their successors, their heirs, executors, and administrators, that *provided any order or direction should issue, or be made by the said Court of Directors in England, thereby ordering and directing the said exclusive joint trade and merchandize to be dissolved or put to an end, or that may hinder and stop the carrying on the same or any part thereof, or contain any thing contrary to the covenants, clauses, grants, articles, or agreements in the said before-recited deed* mentioned and contained, or any of them, so that the same may thereby become void and of none effect, *then and in that case*, they the said Robert Lord Clive, as President, William Brightwell Sumner, John Carnac, Charles Stafford Playdell, Harry Verelst, Francis Sykes, John Cartier, Randolph Marriott, Hugh Watts, Ascanius William Senior, Samuel Middleton, Ralph Leycester and George Gray, as Council of Fort William aforesaid, *shall and will well and truly save harmless and keep indemnified* them the said William Brightwell Sumner, Harry Verelst, Ralph Leycester and George Gray, and all the proprietors entitled or to be entitled to the said joint trade,

 and

and their successors, their executors and administrators; and *also shall and will (notwithstanding any order and direction to be issued to the contrary as aforesaid) keep up, continue and enforce, or cause to be kept up, continued and enforced, the said exclusive joint trade and merchandize, for the term of one year, to commence from the* 18th day of September 1765, and expire on the 18th day of September 1766, according to the true intent and meaning of the said before-recited deed, and of all the parties thereto, as if the said order and direction *had never been made or issued.* And further, that the said Robert Lord Clive, William Brightwell Sumner, John Carnac, Charles Stafford Playdell, Harry Verelst, Francis Sykes, John Cartier, Randolph Marriott, Hugh Watts, Ascanius William Senior, Samuel Middleton, Ralph Leycester and George Gray, and their successors, as President and Council aforesaid, shall and *will allow unto them* the said William Brightwell Sumner, Harry Verelst, Ralph Leycester and George Gray, and their successors, constituting a Committee as aforesaid, *full and sufficient time after the expiration of the said term of one year as aforesaid, to sell, vend, and dispose of all such goods and merchandize belonging to the said joint trade and concern, as shall at that time remain on their hands unsold and not disposed of, and also to collect and gather in all such sum or sums of money as shall be any ways due or owing unto them the said* William Brightwell Sumner, Harry Verelst, Ralph Leycester and George Gray, or their successors, on account of the said proprietors and joint trade aforesaid, and to settle and adjust all books and accounts belonging to and concerning the same. And the said William Brightwell Sumner, Harry Verelst, Ralph Leycester and George Gray, do hereby, for themselves and the rest of the proprietors entitled to the said exclusive joint trade and merchandize of salt, beetle-nut and tobacco, as aforesaid, and their successors, covenant, promise, and agree to and with the said Robert Lord Clive, William Brightwell Sumner, John Carnac, Charles Stafford Playdell, Harry Verelst, Francis Sykes, John Cartier, Randolph Marriott, Hugh Watts, Ascanius William Senior, Samuel Middleton, Ralph Leycester and George Gray, as President and Council of Fort William aforesaid, and their successors for the time being, that they the said William Brightwell Sumner, Harry Verelst, Ralph Leycester and George Gray, constituting a Committee as aforesaid, and their successors from time to time, shall and will well and truly pay and discharge the duties and customs of the said articles of salt, beetle-nut and tobacco, at and after the rate herein before-mentioned and expressed of and concerning the same, to the Right Honourable the President and Council of

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Fort William aforesaid, and [illegible] [illegible]ors, or to whom they shall from time to time [illegible] and appoint to [illegible] receive the same. And they the said Robert Lord Clive, John Carnac, Charles Stafford Playdell, Francis Sykes, [illegible] Randolph Marriott, Hugh Watts, Ascanius William Senior, Samuel [illegible]son, Ralph Leycester and George Gray, do hereby bind and oblige themselves, and their successors, their executors and administrators, jointly, unto them the said William Brightwell Sumner, Harry Verelst, Ralph Leycester and George Gray, on behalf of themselves and the said proprietors, in the penal sum of three hundred thousand pounds Sterling, for the true and faithful observing, performing, fulfilling, and keeping all and every the covenants herein contained, and which, on their parts and behalfs are or ought to be performed, observed, fulfilled, and kept as aforesaid."

In witness, &c."

F I N I S.